

**CITY COUNCIL MEETING  
June 28, 2006**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on June 28, 2006 at 6:00 p.m.

**Present:** Vice Mayor and Councilman Ward I Gene Gallo; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

**City Officials:** Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Deputy Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; and Carolyn Moore, Human Resources Director.

**Press:** Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Pastor Don Hanna, Trinity United Methodist Church.  
Flag salute was led by Mayor Poston.

Councilwoman Ward II Marianne Barnebey was excused from the meeting.

Staci Cross, Information Technology Director was excused from the meeting.

PRESENTATIONS

**DOWNTOWN DEVELOPMENT AUTHORITY DIRECTOR**

**Debra Cooper**, Downtown Development Authority Board Chairperson, stated that following an extensive selection process, **Mike Kennedy**, had been chosen as the new Executive Director of the Downtown Development Authority.

**REQUEST WITH MOTION TO WAIVE the right to veto the 30-day required waiting period following any action made by the Downtown Development Authority Board was made by Councilman Golden/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

**Mike Kennedy** stated that he was honored to have been selected as the Downtown Development Authority Executive Director and that he would strive to continue the Downtown Development Authority's commitment to quality redevelopment and community excellence.

*Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.*

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

**Vice Mayor/Councilman Gene Gallo, Ward I:**

**REQUEST WITH MOTION TO RECONSIDER Ordinance 2826, LU.06.0027 Urban Village, was made by Vice Mayor Gallo/Councilman Golden and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

Matt McLachlan referred to the “Density Bonus Provision” and gave a brief summary of two policy alternatives: Alternative 1 – Purchase Price Limit based for Owner Occupied Units and Alternative 2 – Income Limits based for Owner or Renter Occupied Units for attainable workforce housing in the Urban Village.

General discussion to accept Alternative 1 was as follows:

A density bonus of up to 10 dwelling units per acre may be granted for PDP applications subject to ARB design and compatibility review if such unit(s) meet the following conditions: (1) Remains owner occupied with homestead tax exemption status; (2) The initial sales price does not exceed the purchase price limit set forth in the adopted City of Bradenton Local Housing Agency Plan, as may be amended from time to time; and (3) Such unit does not exceed said purchase price limit for a time period of not less than five years from date of first occupancy. The maximum purchase price was currently \$215,000.

**MOTION TO AMEND Ordinance 2836, LU.06.0027 to revise the language from “affordable housing” to “attainable workforce housing” and to accept “Alternative 1” as presented was made by Vice Mayor Gallo/Councilman Golden and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

**Councilwoman Marianne Barnebey, Ward II:** Excused from the meeting.

**Councilman Patrick Roff, Ward III:** Attended a symposium in Sarasota on “Smart Growth” and “New Urbanism” presented as patterns for cities to follow for future growth and development.

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

**Councilman James Golden, Ward V:** Attended a meeting regarding the Washington Park community which helped the city and community work together to make a difference in this area.

**Mayor Wayne Poston:** Voiced his concern about the rise in teenage suicide and stated that he would look into this very serious problem.

**REQUEST BY** Mayor Poston to open a position for a Public Information Officer to assist with improved communication on behalf of the legislative offices regarding city issues and to utilize the city’s website to relay vital important information.

General discussion: That the city was facing a lean budget this year so this position would need to be created within an existing position and with a possibility of transferring a vacancy between departments.

**MOTION TO APPROVE the request by Mayor Poston was made by Vice Mayor Gallo/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

## CONSENT AGENDA

**APPROVAL** of the June 14, 2006 Minutes.

### **RESOLUTION 06-42**

A RESOLUTION REAPPOINTING **RON SANTARLAS** TO THE PERSONNEL MERIT BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

**RESOLUTION 06 -43**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, NAMING A PRIVATE STREET (BLAKE WAY); PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the Consent Agenda consisting of the June 14, 2006 Council minutes, and Resolutions 06-42 and 06-43 was made by Vice Mayor Gallo/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**LU.06.0029 WARD 5 NEIGHBORHOOD 7.02B MM**

Request of the Central Community Redevelopment Agency, agent for the City of Bradenton, owner, for a Land Use Atlas Amendment from R-2A and R-1D to C-1A for property located at 908 6th Street Court East, 614 10th Avenue East and 619 11th Avenue East.

**PROPOSED ORDINANCE 2838**

**FIRST READING**

*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 R-2A, R-1D TO C-1A FOR THE PROPERTY LOCATED AT 908 6TH STREET COURT EAST, 614 10TH AVENUE EAST AND 619 11TH AVENUE EAST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and to set the second reading and public hearing of Ordinance 2838 for July 19, 2006 was made by Councilman Golden/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

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**LU.06.0028 WARD 3 NEIGHBORHOOD 6.01 RS**

Request of Gregg Guinta, agent for Bradenton Properties, LLC, owner, for a Land Use Atlas Amendment from R-1C to Professional for property located at 512 25th Street West.

**PROPOSED ORDINANCE 2841**

**FIRST READING**

*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 R-1C TO PROFESSIONAL FOR THE PROPERTY LOCATED AT 512 25TH STREET WEST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and to set the second reading and public hearing of Ordinance 2841 for July 19, 2006 was made by Councilman Roff/Councilman Golden and carried 4-0 for approval.** Councilwoman Barnebey was excused from the meeting.

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**AX.06.0016 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Stephen W. Thompson, Esquire, agent for EU-US, LLC, owner, for the annexation of 17.2 acres located at 4915 1st Avenue East. (Zoned County A1)

**PROPOSED ORDINANCE 2829**

**SECOND READING AND PUBLIC HEARING**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 4915 1st AVENUE EAST AND LEGALLY DESCRIBED.*

The public hearing was opened; those in favor to come forward.

**Stephen Thompson** gave a brief overview of the annexation request located east of 48<sup>th</sup> Street Court East. He stated that the annexation created no enclave and that city utilities were available to the property.

Mr. Thompson stated that the Joint Planning Committee had no objections to the annexation request as presented.

Those in opposition, no one came forward, the public hearing was closed.

Tim Polk gave the Department of Planning and Community Development staff report and stated that the staff recommended approval with three stipulations as follows:

1. Future development of the subject property was subject to the requirement of the ACCORD, including but not limited to impact fee equivalency as defined in the ACCORD, Section 4.B (5), or the latest, mutually approved definition between Manatee County and the City of Bradenton.

2. Future development of the subject property may require certain land use studies and analyses as part of any preliminary or final development approvals; as determined by the Planning and Community Development Director.

3. A jurisdictional wetland survey would be submitted with the Comprehensive Plan Amendment application.

**MOTION TO APPROVE AX.06.0016, Ordinance 2829 as recommended by the Department of Planning and Community Development staff with three stipulations was made by Councilman Smith/Councilman Golden and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

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**RV.06.0012 WARD 4 NEIGHBORHOOD 7.03 RS/ MM**

Request of J. Thomas O'Brien, agent for Tarpon Pointe Properties, LLC, owner, for approval of a Vacation of Right-of-Way at 234 6th Street Northeast.

**RESOLUTION 06-33**

**PUBLIC HEARING**

A RESOLUTION PURSUANT TO SECTIONS 200.G AND 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHT-OF-WAY" AND LEGALLY DESCRIBED.

**PR.06.0021 WARD 4 NEIGHBORHOOD 7.03 RS/MM**

**PUBLIC HEARING**

Request of J. Thomas O'Brien, agent for Tarpon Pointe Properties, LLC, owner, for preliminary approval of a Planned Development Project known as Tarpon Pointe located at 234 6th St Northeast.

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

Stephen Thompson gave a brief report of the overall plan for a Planned Development Project known as Tarpon Pointe with a vacation of right-of-way on Riverside Drive and 6<sup>th</sup> Avenue East.

He stated that the original proposed plan contained 179 dwelling units, a combination of 25 townhouse units and 154 condominium units in two 17-story over 2-story parking high-rise condominium towers. He stated the plan included a 198-slip private marina, ship store, restaurant, restrooms, public transient dock, water taxi and bait shop.

Mr. Thompson stated that, as a result of the review by the Architectural Review Board, significant changes had been made to the original plan with the rearrangements of the buildings and reduction in height to make it more compatible with the downtown mixed use properties.

**Tom O'Brien**, architect of the project, gave a PowerPoint presentation, displayed renderings and gave a lengthy overview of the site plan and the design for two 13-story towers with steeple rooftops, and town home sites to border the development along the waterfront.

Mr. O'Brien described the property where the old railroad tracks were at one time which brought the Tropicana train across Manatee River from Palmetto.

Lengthy discussion: The development site plan and Riverfront Park Plan along Riverside Drive East.

Questions were asked regarding the proposed roundabout, which had been eliminated, the vacation right-of-way and the proposed Riverwalk Park, docks, and the marina use.

**Scott Tibbetts**, owner of the proposed development, stated that he owned several other properties in Beau Vue Estates, and intended to improve the neighborhood as it had a history of crime. He stated this project would be a catalyst for future development and gave an overview of the proposed plan which incorporated public access to the waterfront and beautification of the Riverwalk Park Plan.

Speaking in favor of the project were **Joseph Loccisano, Jr.**, 514 Riverside Drive East; **Mark Weintraub**, 108 8<sup>th</sup> Street East; **Sara Weintraub**, 108 8<sup>th</sup> Street East, **Scott O'Connor**, 215 6<sup>th</sup> Street East; **Rick Byron**, 7615 River Oak Run; and **Diane Ripley**, 514 2<sup>nd</sup> Avenue East. Each attested that they believed the project was a quality design, which would improve the neighborhood and be a catalyst for future development. They expressed their opinions that the right-of-way should not be vacated for the development and shared concerns for storm water run-off and for the lack of maintenance and upkeep of rental properties.

Those in opposition; come forward.

Speaking against the project were **Dora Frierson**, 214 6<sup>th</sup> Street East; **Mark Martin**, 107 6<sup>th</sup> Street East; **Joanna Williams**, 219 4<sup>th</sup> Avenue East; **Roger Williams**, 219 4<sup>th</sup> Avenue East; **Anita Rogers**, 515 1<sup>st</sup> Avenue East; **Berniece Scott**, 513 1<sup>st</sup> Avenue East; **Les Atwood**, 1010 Riverside Drive East; **Bryan Zoller**, 512 Riverside Drive East; and **Jerry Zoller**, father of Bryan Zoller and a local businessman in the city. They disagreed that the neighborhood was a high crime area and expressed concern about windows being broken during construction. They were opposed to the vacation on the corner of 6<sup>th</sup> Street East and Riverside Drive and placing town homes there as it would block more river views for people living on 6<sup>th</sup> Street East. They were opposed to high-rises and the overall density impact which would lead to more traffic and unsafe conditions for children. They felt the building design was beautiful but was in the wrong location and was not compatible with the neighborhood.

Stephen Thompson, in rebuttal, stated that any dredging would be regulated by the Department of Environment Protection (DEP). He stated that stormwater plans would be submitted to the necessary agencies and some improvements would be made to the existing infrastructure.

He stated that significant changes had been made in direct response to the concerns of the neighborhood and by the Department of Planning and Community Development staff. He referred to eliminating a restaurant, a roundabout, and the vacation of right-a-way on 6<sup>th</sup> Street East.

He stated the project would enhance the Riverwalk Park area and significant changes had been made to lower the tower heights.

The public hearing was closed.

Lengthy discussion: The Conceptual Plan for the Riverwalk Park, water drainage, the proposed transient docks, and a good location for a water taxi.

Tim Polk gave the Department of Planning and Community Development staff report with the staff recommendation that the proposed heights of the two high-rise buildings were not compatible with the existing or planned character of the subject property or its environs, especially given proximity of the building to a single-family home. Staff recommended that:

- Right-of-way Vacation approval be granted based on the public improvements proposed for Riverside Drive East, and
- That this resolution shall become effective upon the issuance of building permits and the beginning of on site construction. The city shall upon request, issue a document of documents reasonably necessary, to show, of record, that this provision had been complied with and the vacation was effective.

Staff recommended four stipulations. After discussion stipulation #5 was added as follows:

1. The height of the North Tower in the Tarpon Pointe Planned Development Project shall not exceed thirteen (13) residential stories above two (2) floors of structured parking (maximum of twenty (20) feet) and the East Tower shall not exceed six (6) stories residential stories above two (2) floors of structured parking (maximum of twenty (20) feet); provided however, that if the developer of the Tarpon Pointe PDP acquires the out parcel belonging to Robert D. Miller, located at 220 6<sup>th</sup> Street Northeast, the developer may increase the height of the East Tower to thirteen (13) stories over two (2) floors of structured parking.
2. Utility improvements as required by the Public Works Department in order to adequately serve the facility would be the responsibility of the developer.
3. All recommendations stated in "Tarpon Pointe Traffic Impact Study Review" letter dated June 28, 2006, from Robert Frey, AICP, Project Manager of HNTB Corporation, Inc., marked as Exhibit "P" shall be complied with prior to issuance of a certificate of occupancy for the first building constructed.
4. All architectural renderings and elevations of Tarpon Pointe shall be reviewed by the ARB for recommendations to the City Council for final approval.
5. The developer agreed to participate in a conceptual plan for public improvements to the Riverwalk in an amount of 20% of the project, capped at \$250,000.00.

The Planning Commission could not reach consensus, therefore, it could not make a recommendation to the City Council.

As Councilwoman Barnebey was unable to be present; she had requested Mr. Callahan to read her opinions on the project as follows:

1. The twenty-foot wall around Mr. Miller's property was not a desirable option.
2. The project should allow for more green or open space.
3. The level one of the parking appeared to be only four feet above sea level which caused concern about storm & flood potential.
4. Believed that low to mid-rise buildings (4-5 stories) would be more appropriate.
5. A section of land should remain public.
6. Public access to the river should be maximized – taking into account private rights.
7. Should tie into River walk.

8. Too many docks were included in the proposal.
9. Overall, the project was not compatible with the neighborhood.
10. The architecture was too busy and should be toned down.

**MOTION TO APPROVE RV.06.0012, Resolution 06-33 with the recommendation made by the Department of Planning and Community Development staff based on the public improvements proposed for Riverside Drive East and upon the issuance of building permits and the beginning of on site construction. The city shall upon request, issue documents reasonably necessary, to show, of record, that this provision had been complied with and the vacation was effective was made by Councilman Smith/Vice Mayor Gallo and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

Councilman Smith stated that due to future growth, a vision to develop the waterfront within the urban downtown corridor was necessary, and he would support the motion.

Councilman Roff stated he would support the motion as this would improve the neighborhood and eliminate a lot of the crime currently experienced in this area.

Councilman Golden stated he would support the motion as he believed it was the best choice for the neighborhood.

**MOTION TO APPROVE PR.06.0021, with the recommendation made by the Department of Planning and Community Development staff with five stipulations was made by Councilman Smith/Councilman Golden and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

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

##### Tim Polk

##### **PUBLIC HEARING**

Proposed Statement of Housing and Community Development Objectives and Projected Use of Funds and One-Year Action Plan and Projected Use of Funds for Fiscal Year 2006-07

The public hearing was opened; those in favor or opposition please come forward.

**Adele Erozer**, Community Coalition for Homelessness, requested full funding for the One Stop Resource Center.

**Martha** (last name inaudible), worker with Ground Zero at the Open Door, stated that she was a rehabilitation success story after having formerly been homeless and a criminal. She believed that with the help of these funds, many other homeless individuals could also be rehabilitated.

The public hearing was closed.

**MOTION TO ACCEPT the One-Year Action Plan and Projected Use of Funds for Fiscal Year 2006-07 as presented, to take public comment and be considered on July 19, 2006 was made by Vice Mayor Gallo/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

**John Cumming**

**RESOLUTION 06-44**

**PUBLIC HEARING**

A Resolution of the City Council of the City of Bradenton, Florida adopting the 2006 City of Bradenton Storm Water Facility Plan, adopting the City of Bradenton Storm water Facility Capital Financing Plan, authorizing submission of the plan to Florida Department of Environmental Protection (FDEP), designating the Mayor as the authorized representative; and providing an effective date.

The public hearing was opened; those in favor or opposition please come forward.

**Seth Kohn**, Stormwater Manager/Special Projects Engineer, explained the project, discussed the alternatives, costs and impact on storm water fees, and noted that best management practices were included as part of the proposed new facilities. He stated the Plan had been available at City Hall and the Public Works Department for public review and had been advertised as required.

The public hearing was closed.

Discussion: Different projects needed throughout the city.

**MOTION TO APPROVE Resolution 06-44 was made by Vice Mayor Gallo/Councilman Golden and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

**DEPARTMENT HEADS**

**Carl Callahan**: Nothing to report.

**Deputy Chief Edwards**: Reported that the benefit golf tournament held on June 24, 2006 for an ill fire fighter had drawn a good turnout and had raised a lot of money for this worthwhile cause.

**Staci Cross**: Excused absence.

**Chief Radzilowski**: Nothing to report.

**John Cumming**: Nothing to report.

**Tim Polk**: Nothing to report.

**Bill Lisch**: Requested an update from Mr. Callahan regarding the impact fee resolution.

Mr. Callahan stated that public notice had been sent out on 12 water billing cycles and would be advertised prior to the July 19, 2006 Council meeting.

**Carolyn Moore**: Announced the Health Fair would be held on August 2, 2006 from 9:00 a.m. to 3:00 p.m. in the city auditorium.

She stated at the next Council meeting she would bring forth recommendations made by the Insurance Committee following Council's consideration and vote, plans would be made to begin Open Enrollment in the second week of August.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 11:00 p.m.

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