

APPROVED BY
October 26, 2005
CITY COUNCIL

CITY COUNCIL MEETING
October 12, 2005

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on October 12, 2005 at 8:30 a.m.

Present: Councilwoman Ward II Marianne Barnebey; Councilwoman Ward III Michele Weaver; Vice Mayor and 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; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Larry Frey, Development Services 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 Paul Scheele, Congregational United Church of Christ.
Flag salute was led by Mayor Poston.

Councilman Gallo was excused from the meeting.

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

APPROVAL OF MINUTES

Approval of Minutes for September 14, 2005 and September 21, 2005.

No discussion followed.

MOTION TO APPROVE the September 14, 2005 and September 21, 2005 minutes was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval.

PROCLAMATIONS

RED RIBBON WEEK – OCTOBER 23 - 31, 2005

(Councilman Golden enters the Chamber.)

PRESENTATIONS

PUBLIC WORKS RECOGNITIONS

September Employee of the Month **Scott Marciano**, Parks & Recreation Department

October Employee of the Month **Clifford Shaw**, Water Distribution Department

Team of the Quarter: **Rudolph Griggs, Terry Parsley, Lavern Lewter, Warren Conner, Terrell Smith and Anthony Moore** of the Storm Drainage Department, along with **Chris Shaffer** and **John Simmons** of the Sewer Collection Department.

Supervisor of the Quarter **Gary Kinder**, Parks & Recreation Department

BRADENTON FIRE DEPARTMENT RECOGNITION

Captain Tom Woods presented a plaque to **Steve White** for his many years of generosity and commitment to the vehicle extrication program.

BRADENTON POLICE DEPARTMENT – SWEARING IN OF A NEW OFFICER

Officer Jeremy Tulles was given the oath of office.

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

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Excused from the meeting.

Councilwoman Marianne Barnebey, Ward II: Announced the “Westfield Neighborhood clean up” would be held on November 5, 2005.

Councilwoman Weaver, Ward III: Thanked Chief Radzilowski for the help in cleaning up a drug house in her ward.

Vice Mayor Bemis Smith, Ward IV: Addressed the litter problems on Old Main Street following the Old Main Street Market and the previous night’s activities. He expressed his appreciation to the Public Works and Code Enforcement Departments.

Vice Mayor Smith stated that the problem of litter in the downtown area was an ongoing problem and that the police department was determining a solution to correct it should it continue.

Councilman James Golden, Ward V: Thanked Mayor Poston for the opportunity to represent the city at the annual Chamber of Commerce Leadership Retreat. He stated the issue of workforce affordable housing was addressed. He announced that a regional symposium would be held to discuss the affordable housing issue.

Mayor Wayne Poston: Thanked the Department of Development Services staff for continuing professionally without a director.

CONSENT AGENDA

RESOLUTION 05-62 APPOINTING **DAVID G. BISHOP** TO THE ARCHITECTURAL REVIEW BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

RESOLUTION 05-63 APPOINTING **ROBERT W. EGOLF** TO THE TREE AND LAND PRESERVATION BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

RESOLUTION 05-64 APPOINTING **CLAUDE TANKERSLEY** TO THE CITIZENS ADVISORY COMMITTEE OF THE METROPOLITAN PLANNING ORGANIZATION FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

REQUEST BY the Arts Council of Manatee County in conjunction with the ArtCenter Manatee, to hold a “Manatee Festival of the Arts” on the grounds of the ArtCenter adjacent to Bradenton Riverfront Property on 3rd Avenue between 9th Street West and 7th Street West, Sunday, November 13, 2005 10:00 a.m. to 5:00 p.m.

PROPOSED CITY HOLIDAYS 2006

MOTION TO APPROVE THE CONSENT AGENDA was made by **Councilman Golden/Vice Mayor Smith** and carried **4-0 for approval**. (Councilman Gallo was absent from voting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2881 **AX.05.0012**
AN ORDINANCE CONTRACTING THE MUNICIPAL BOUNDARY OF THE CITY OF BRADENTON, FLORIDA, BY DE-ANNEXING CERTAIN LAND LOCATED AT 101 48TH STREET COURT EAST, AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading of Ordinance 2881 for November 16, 2005 was made by **Vice Mayor Smith/Councilman Golden** and carried **4-0 for approval**. (Councilman Gallo was absent from voting.)

FIRST READING AND FIRST PUBLIC HEARING **LU.05.0015**
PROPOSED ORDINANCE 2792

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS TO ADD NEW LANGUAGE REGARDING SIGNS AND THEIR REGULATION, DELETE OLD LANGUAGE REGARDING NON-RESIDENTIAL SIGNS, AND TO ADD NEW SIGN RELATED DEFINITIONS; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened, those in favor.

Ruth Seewer, Development Review Manager gave a brief presentation of the most permanent text amendments and said she would go into the text changes at the next public hearing.

Discussion: Free speech signs.

Bill Lisch stated that he would research the free speech issue.

Those in opposition, hearing none; the public hearing was closed.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2792 for October 26, 2005 was made by **Vice Mayor Smith/Councilwoman Weaver** and carried **4-0 for approval**. (Councilman Gallo was absent from voting.)

FIRST READING OF PROPOSED ORDINANCE 2882

AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY REMOVING PROVISIONS REGARDING INVESTIGATIONS AND ADMINISTRATION OF FAIR HOUSING COMPLAINTS FROM THE CITY OF BRADENTON'S OFFICE OF COMMUNITY RELATIONS AND COMMUNITY RELATIONS BOARD (NOW KNOWN AS THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD); PROVIDING FOR REFERRAL OF THOSE COMPLAINTS TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2882 for November 16, 2005 was made by Vice Mayor Smith/Councilwoman Weaver and carried 3-1 for approval with Councilman Golden in opposition. (Councilman Gallo was absent from voting.)

RV.05.0006 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of the City of Bradenton for a vacation of right-of-way at 1227 12th Street West. (Zoned R3B/VAOD) with the following resolution:

RESOLUTION 05-61 PURSUANT TO SECTIONS 200.G AND 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" AND LEGALLY DESCRIBED.

The public hearing was opened, those in favor.

Mark Runnals, 1015 12th Avenue West, voiced his approval for the right-of-way to help eliminate drug trafficking and prostitution in the area.

Those in opposition, hearing none; the public hearing was closed.

Matt McLachlan stated that consent waiver forms had been received from the surrounding neighbors with no statements of disapproval, and that the Public Works Department also had no objections. He stated that the Department of Development Services staff and Planning Commission recommended approval of the request as it would make the area safer.

MOTION TO APPROVE RESOLUTION 05-61 as recommended by the Department of Development Services staff and Planning Commission was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

SU.05.0014 WARD 5 NEIGHBORHOOD 7.02B RS

PUBLIC HEARING

Request of Gayle P. Edwards, agent for Rogers Community UMC, owner for Special Use approval to operate a day care center known as Rogers Community Child Development Center located at 1050 15th Street East. (Zoned R1C).

Melanie Howard, representing as Executive Director for the Rogers Community Life Enrichment Center spoke in favor of the request.

She stated that the center had complied with the first four stipulations but did not currently have the financial resources to comply with stipulation five regarding the need for surveillance cameras. She stated that when the funds became available, they would address stipulation five.

Those in opposition, hearing none; the public hearing was closed.

The Department of Development Services staff and Planning Commission recommended approval with five stipulations as followed:

1. The oak trees would be planted at 50-foot intervals around the perimeter of the play area and at 75-foot intervals along the north side of the parking area.
2. An ornamental hedge would be installed along the parking area from the right-of-way up to the first walkway.
- ~~3. The applicant would meet with Officer Stoops regarding installation of surveillance camera's and other CPTED (Crime Prevention Through Environmental Design) practices.~~
4. Handicapped parking proposed for location in the driveway would be properly marked.
5. An appropriate directional sign for drop-off and pick-up would be installed at the church parking lot entrance.

MOTION TO APPROVE SU.05.0014 with four stipulations as recommended by the Department of Development Services staff and Planning Commission was made by Councilman Golden/Vice Mayor Smith and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

RELOCATION OF HOLIDAY INN SIGN SITE LEASE AGREEMENT SIGN PLACEMENT

Mr. Callahan gave a brief presentation regarding the history of the sign and displayed a photograph of the proposed replacement site.

He requested approval to place the sign at the proposed site and for a lease agreement to include the following stipulations:

1. The sign would stay placed as long as the Holiday Inn was operating as the Holiday Inn.
2. For any future replacement of the sign the cost would be paid by the city.

Discussion: Sign design, height and location.

MOTION TO APPROVE the Holiday Inn Sign Site lease agreement with Ocean Properties, LTD., with noted stipulations was made by Vice Mayor Smith/Councilman Golden and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

PURCHASE AND SALE AGREEMENT FOR SHUFFLEBOARD COURTS

Mr. Callahan gave a brief summary of the Purchase and Sale Agreement between the City of Bradenton, Seller and 14th Street Redevelopment Agency, the Buyer for the purchase price of \$832,000.

Mr. Callahan summarized the terms of the agreement and referred to the "Profit from Resale" clause which indicated that any additional proceeds would be split with 60% going to the Seller and 40% retained by the Buyer.

General discussion regarding future development value of the subject property.

Discussion: Giving proper notice to the shuffleboard court tenants at the understanding that operations were on a month-to-month basis.

Bill Lisch summarized clause 27 which referred to the relocation of the shuffleboard courts contingent upon the seller's (City Council's) approval of the proposal.

Lengthy discussion regarding any development should be a mixed project with affordable housing.

MOTION TO APPROVE the Purchase and Sale Agreement of the shuffleboard courts on 9th Avenue West was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval. (Councilman Gallo absent from voting.)

JUDICIAL CENTER CONSTRUCTION INFORMATION & ISSUES

Mr. Callahan gave a brief summary of the County's Judicial Center construction project with the general request to close 10th Street from Manatee Avenue to 6th Avenue during construction.

Representatives from Manatee County, Centex Construction and Fawley Bryant Architects gave a brief presentation and distributed renderings of the construction site process with the necessary closure and possible ways of redirecting traffic.

Discussion: Approximate length of the 10th Street closure to be twenty-seven months, other parking considerations and traffic flow concerns.

MOTION TO APPROVE the closure of 10th Street to begin construction of the Judicial Center was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval. (Councilman Gallo absent from voting.)

Carolyn Moore

Christine Lang, Chairman of the Florida on the Move Committee, gave a brief report on the "Florida on the Move" event to promote a healthier lifestyle in Manatee County.

She stated this event was in coordination with the Old Main Street Market with many health organizations performing health checks and screenings prior to a walk along the Riverwalk.

REQUEST BY the Manatee County Health Department to hold "Florida on the Move Manatee" a kick-off walk and event on Saturday, November 5, 2005 from 9:00 a.m. to 12:00 p.m. with the start/finish at City Hall and proceeding through Rossi Park along the Riverwalk to Manatee Hospital and returning to City Hall.

MOTION TO APPROVE the request was made by Councilwoman Barnebey/Councilwoman Weaver and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

Chief Radzilowski

REQUEST FOR TWO ADDITIONAL SCHOOL CROSSING GUARD POSITIONS

Discussion: Estimated cost under \$15,000 annually.

MOTION TO APPROVE the request was made by **Councilwoman Barnebey/Councilwoman Weaver** and carried **4-0 for approval**. (Councilman Gallo absent from voting.)

Matt McLachlan

MAJOR ISSUES - CITY OF BRADENTON EVALUATION AND APPRAISAL REPORT

Mr. McLachlan gave a PowerPoint presentation on eight major issues regarding the Evaluation and Appraisal Report with the primary objective of evaluating the Comprehensive Plan, a process done every seven years.

Mr. McLachlan gave a brief overview of the following eight (8) major issues:

- #1 Annexation
- #2 Neighborhood revitalization
- #3 Compatibility
- #4 Affordable housing/workforce housing
- #5 Transportation system management
- #6 Transportation connections and enhancements
- #7 Redevelopment corridors/areas
- #8 Downtown repositioning

Mr. McLachlan requested feedback from Council as to whether the issues outlined, properly reflected the City's concerns.

Questions were asked and answers given regarding the eight major issues.

Mr. McLachlan requested a motion to ratify this proposed plan with the eight major issues.

MOTION TO APPROVE to ratify the eight major issues was made by Vice Mayor Smith/Councilman Golden and carried **4-0 for approval**. (Councilman Gallo was absent from voting.)

TAMIAMI TOMORROW REVITALIZATION STRATEGY

Mr. McLachlan gave a brief overview of the Tamiami Tomorrow Revitalization Strategy process and requested approval of the plan.

Bill Theroux, Executive Director of the Downtown Development Authority, voiced his recommendation of the plan.

MOTION TO APPROVE the Tamiami Tomorrow Revitalization Strategy as presented was made by Councilwoman Weaver/Councilman Golden and carried **4-0 for approval**. (Councilman Gallo was absent from voting.)

PDP EXTENSION OF TIME

REQUEST BY Mr. McLachlan as requested by Attorney Stephen Thompson, agent for the Tidewater Preserve PR-04-0007 and SP-04-0001 project, for a one-year extension to work on the construction drawing for WCI Communities, Inc.

Mr. McLachlan recommended approval of the extension.

MOTION TO APPROVE the request for PDP extension of time as recommended by Matt McLachlan was made by Vice Mayor Smith/Councilman Golden and carried 4-0 for approval. (Councilman Gallo was absent from voting.)

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chief Souders: Nothing to report.

Staci Cross: Excused absence.

Chief Radzilowski: Nothing to report.

John Cumming: Nothing to report.

Matt McLachlan: Nothing to report.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:40 a.m.

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