

APPROVED BY
MAY 12, 2004
CITY COUNCIL

CITY COUNCIL MEETING
April 14, 2004

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on April 14, 2004 at 8:30 a.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey Councilwoman Ward III Michele Weaver, Councilman Ward IV Bemis Smith.

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 Staci Cross, Information Technology Director.

Press: Bradenton Herald and Manatee Herald Tribune.

The meeting was called to order by Mayor Poston.
Ecumenical prayer was led by Rev. Don Hanna, Trinity United Methodist Church.
Flag salute was led by Councilman Smith.

Vice Mayor Golden was excused from the meeting.

PROCLAMATION:

BIBLE READING WEEK PROCLAMATION – May 3rd - May 9, 2004: Pastor Lawrence Livingston, Eternity Temple Church and Lexie Taylor, Secretary of Manatee Religious Services accepted the proclamation.

NATIONAL SAFE KIDS WEEK PROCLAMATION – May 1st – May 8, 2004: No one was present to accept the proclamation.

THE HONORABLE ALFONSO CARLOS MACIA GATA AND FATIMA CHACON ANDRADE DAY PROCLAMATION – April 24, 2004: No one was present to accept the proclamation.

BRADENTON AND MANATEE COUNTY AMERICAN ASSOCIATION OF UNIVERSITY WOMEN WEEK PROCLAMATION – April 26th - May 2, 2004: No one was present to accept the proclamation.

PRESENTATION:

SWEARING IN OF OFFICER DANELLE DEMILLEY: Mayor Poston gave the Oath of Office.

PUBLIC WORKS RECOGNITIONS: Employee of the Month was Gene “Wyman” Drawdy, Parks & Recreation Department. Supervisor of the Quarter was Keith McGurn, Water Treatment Plant Superintendent. Team of the Quarter was Rick Parks & Dwayne Blue, Street Department Sign Shop.

VANGUARD HISTORIC PROPERTY TAX EXEMPTION CHANGE: Larry Frey requested approval on behalf of the applicant Jack Wilson of Vanguard Realty Group, Inc. for 2004 tax exempt credit with the recommendation for approval from the Department of Development Services Staff.

MOTION TO APPROVE the request recommended by the Department of Development Services Staff was made by Councilman Smith/Councilman Gallo carried 4-0.

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

PUBLIC COMMENTS:

Carol Stronstroff, Patients Rights Advocate expressed her concern for patience rights and asked the Council to contact their Tallahassee representatives to voice their concern for the restriction to patience rights and limited liability caps.

Patrick Roff announced that the Wares Creek bi-annual clean-up would be Saturday, April 18, 2004.

COUNCIL REPORTS:

Councilman Gallo, Ward I: Announced that the Easter Seal One Mile Walk would be held May 8, 2004.

Councilman Gallo asked if the Council members had any objections with accepting the white sand made available from the beaches to be placed on Palma Sola Causeway pending state approval.

The Council members had no objections.

Councilman Gallo thanked Mayor Poston and Chief Souders for the honor of renaming the Central Fire Station to the "*Gene Gallo Fire Station*".

Councilwoman Barnebey, Ward II: Requesting on behalf of the citizens voiced her concern regarding the one way traffic problems on 14th Street and 15th Street from Manatee Avenue to Barcarrota Boulevard.

Mayor Poston stated that John Cumming sent a letter to the Florida Department of Transportation addressing this issue.

Mr. Orlando stated that arrows and signs have been placed and a study was being conducted.

Councilwoman Weaver, Ward III: Announced that she would be attending the Florida Leadership Conference in Orlando.

Councilman Smith, Ward IV: Thanked the Public Works Department for their assistance in cleaning up the Old Manatee Neighborhood.

Vice Mayor Golden, Ward V: Excused absent.

Mayor Poston: Extended wedding congratulations to Councilwoman Weaver.

Mayor Poston stated that a letter had been sent to the Manatee County Board of Commissioners regarding the property plans known as the Bongo's property.

Mayor Poston stated that he would be writing an article requested by the Tampa Tribune on the creation of the "Village of the Arts".

Mayor Poston stated that a comprehensive sidewalk program had been discussed to install new or repair existing sidewalks throughout the City.

Mayor Poston announced that he would be lobbying in Tallahassee on behalf of the Manasota League of Cities and the City of Bradenton.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

7a.

FIRST READING OF AN ORDINANCE

ORDINANCE # 2756

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING REGULATIONS FOR THE NAMING AND RENAMING OF STREETS, PROVIDING FOR GENERAL STANDARDS AND PROCEDURES, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for April 28, 2004 was made by Councilman Smith/Councilwoman Weaver carried 3-0 for approval. Councilwoman Barnebey was absent from the chambers.

7b.

LUR-AA-03-08 WARD 4 NEIGHBORHOOD 20.03 JB

FIRST READING OF AN ORDINANCE

ORDINANCE NO. 2757

Request of Caleb Grimes, agent for McClure Properties Limited, owner, for a Zoning Atlas Amendment to change the designation from County PDMU, PDR, and A-1 to City PDP for the property located at 101 48th Street Court N.E. (Zoned A-1)

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MANATEE COUNTY PDMU-MIXED USE (PRIMARY) TO CITY PLANNED DEVELOPMENT PROJECT (PDP) FOR THE PROPERTY LOCATED AT 101 48TH STREET COURT NORTHEAST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for April 28, 2004 was made by Councilman Smith/Councilwoman Weaver carried 4-0 for approval.

7c.

LUR-AA-03-09 WARD 4 NEIGHBORHOOD 20.03 JB

FIRST READING OF AN ORDINANCE

ORDINANCE NO. 2758

Request of Stephen Thompson, agent for Aurora Foundation, owner, for a Zoning Atlas Amendment to change the designation from County A-1 to City PDP for the property located at 415 48th Street Court East. (Zoned A-1)

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MANATEE COUNTY A-1 (AGRICULTURE SUBURBAN)

TO CITY PDP (PLANNED DEVELOPMENT PROJECT) FOR THE PROPERTY LOCATED AT 415 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for April 28, 2004 was made by Councilman Smith/Councilman Gallo carried 4-0 for approval.

7d.

PDP-A-03-21 WARD 4 NEIGHBORHOOD 20.03 RS PUBLIC HEARING

Request of Jerry Zoller, A.I.A., agent for Tom Brown Real Estate Investments, L.L.C., owner, for a major amendment to the Planned Development Project located at 5105 State Road 64 East. (Zoned PDP/C-3)

Public hearing open. Those in favor.

Jerry Zoller gave a brief overview of the planned development project and stated that he disagreed with stipulation four regarding the signage. He requested to install 3-32 square foot ground signs.

Lengthy discussion: Location and size of the signs.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey gave the Department of Development Services Staff report stated that the staff recommended approval with five stipulations as followed:

1. ~~The westernmost building would be moved four feet to the west to allow for a twenty foot separation.~~ (Removed)
2. Landscaping would be enhanced to include a continuous hedge along all rights-of-way.
3. The dumpsters on the east side would be relocated to meet the requirements of the Public Works Department.
4. All dumpsters located within ten feet of the buildings or building overhangs would be sprinkled.
5. ~~One ground sign would be permitted for the area of amendment. Said sign would not exceed 96 square feet.~~ (Replaced)

Jerry Zoller stated that stipulation one (1) from the staff recommendation had been deleted by the Public Works Department and the Planning Commission.

The Planning Commission recommended approval with four stipulations as followed:

1. Landscaping would be enhanced to include a continuous hedge along all rights-of-way.
2. The dumpsters on the east side would be relocated to meet the requirements of the Public Works Department to finalize the design.
3. All dumpsters located within (10) ten feet of the buildings or building overhangs would be sprinkled.
4. ~~One ground sign would be permitted for the area of amendment. Said sign would not exceed 96 square feet.~~ (Replaced)

Replaced staff stipulation 5 and Planning Commission stipulation 4 regarding the one ground sign to: Place (3) three low profile signs with landscape for a total of 96 (ninety-six) square feet with final approval by staff before installation.

MOTION TO APPROVE the request recommended by the Department of Development Services Staff and Planning Commission with four stipulations was made by Councilman Smith/ Councilwoman Weaver carried 4-0 for approval.

7e.

SE-03-17 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

PUBLIC HEARING

Request of Paul E. Fields, Jr., owner for Special Exception approval to operate an automotive sales establishment for the property located at 1116 1st Street West. (Zoned C-2)

Public hearing open. Those in favor.

James Farr, George F. Young, Inc. representing Paul Fields, Jr. gave a brief overview of the request.

Dorothy Middleton owner of lot 4 (four) next to the property voiced her approval of the request.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey gave the Department of Development Services Staff report stating the staff recommended denial of the request based on the following:

1. There was no valid lease agreement between Mr. Fields and the property owner of Lot 4.
2. The proposal was inconsistent with the Comprehensive Plan.

The Planning Commission recommended approval of the request with (4) four stipulations as followed:

1. The applicant would obtain all necessary permits for improvements.
2. The fence would be improved with assistance from the Central Community Redevelopment Agency.
3. A hedge shall meet city standards along with any irrigation that may be required.
4. The lease would be revised for 5 years with a 5 year renew option.

Discussion: Concerns of the removal of the sidewalk by applicant. Safety issues regarding the shell parking area and entrance ways.

Discussion: Height and condition of the existing fence.

Two additional stipulations are as followed:

1. The Department of Development Services Staff would give final approval before signing off on the permit and that the staff would report back to Council their findings.
2. The fence would be replaced with a (6) foot privacy fence.

Councilman Smith asked if two more stipulations could be added as followed: (1) That the property would be kept up to city code and (2) Should the property be found to be in code violation that the decision would automatically sunset.

Lengthy Discussion: Problems with enforcing these two stipulations.

MOTION TO APPROVE the request recommended by the Planning Commission with four (4) stipulations and two (2) additional stipulations was made by Councilman Gallo/Councilwoman Barnebey carried 3-1 with Councilman Smith in opposition.

7f.

AB-04-0001 WARD 5 NEIGHBORHOOD 1.01 RS

PUBLIC HEARING

Request of Melton Little, agent for Kali Building, Inc., owner, for alcohol beverage approval for a 2-COP License (sale of beer and wine for consumption on premises) for the auction house located at 725 Manatee Avenue West. (Zoned C-1 UCBD)

Public hearing open. Those in favor.

Scott Kallins on behalf of Milton Little requested approval to serve beer and wine for consumption on premises during the auctions.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey gave the Department of Development Services Staff report stating the staff recommendation approval of the request with (2) two stipulations as followed:

1. This approval was granted only for the duration of the operation of the auction house.
2. Hours of operation would be the same as those stipulated for the auction house.

The Planning Commission recommended approval of the request with (3) three stipulations as followed:

1. This approval was granted only for the duration of the operation of the auction house.
2. Hours of operation would be the same as those stipulated for the auction house.
3. The applicant would meet with city staff to make sure all requirements of the special use were met prior to the City Council meeting.

MOTION TO APPROVE the request with the recommendations made by the Department of Development Services Staff and Planning Commission with (3) stipulations was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

7g.

RV-04-0001 WARD 5 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Charles C. Papy, Jr., of Papy, Weissenborn, Vraspir & Puga, P.A., agent for Sun Publications of Florida, Inc., owner, for vacation of right-of-way of the western most 1 foot of 2nd Street East between 6th Avenue and 8th Avenue East. (Zoned C-1A)

A RESOLUTION VACATING THAT PORTION of right-of-way legally described as follows: The west one foot of the 2nd Street East right-of-way lying between the South right-of-way line of 6th Avenue East and the North right-of-way line of 8th Avenue East.

Public hearing open. Those in favor.

Charles Papy, Jr. gave a brief report on the vacation request.

Those in opposition. Hearing none. Public hearing closed.

MOTION TO APPROVE the resolution to vacate was made by Councilwoman Barnebey/Councilwoman Weaver carried 4-0 for approval.

7h.

SU-04-0001 WARD 5 NEIGHBORHOOD 7.03 JB PUBLIC HEARING

Request of James Reseburg, ABC Supply Co., Inc., agent for Richard Conard, owner, for Special Use approval for outside storage of building products on the property located at 1131 9th Avenue East. (Zoned CIS)

Public hearing open. Those in favor.

Richard Conard gave a brief description of the permit request and asked to leave the existing barb wire fence.

Discussion: Removal of the existing barb wire fence and replacing it with landscaping.

Councilman Gallo and Councilwoman Weaver stated the barb wire fence had been approved prior to this special exception request and had no problem with leaving the barb wire.

Jerry West, CCRA Executive Director stated that he opposed the barb wire fence but would accept the fence if the landscape was tall enough to hide the fence.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey gave the Department of Development Services staff report stating that the staff and Planning charge recommended approval with the following (4) four stipulations:

1. Enhance and make code compliant the existing landscape along the fence on Martin Luther King, Jr. Boulevard.
2. Irrigate and properly maintain the landscaping.
3. ~~Remove the barbwire.~~
4. ~~In the event the property goes to the Code Enforcement Board for lack of maintenance the special use permit would be sunset.~~

MOTION TO APPROVE the request as recommended by the Department of Development Services staff and Planning Commission with two stipulations was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

7i.

LUR-AA-04-05 WARD 3 NEIGHBORHOOD 6.01 LF PUBLIC HEARING
SECOND READING OF ORDINANCE #2753

Request of the City of Bradenton for approval of a Zoning Atlas Amendment to change the designation from Multi Family Residential R-3A to Single Family Residential R-1Cor other appropriate zone for the property located between Virginia Drive and 26th Street West, and 9th Avenue to Manatee Avenue West. (Zoned R-3A)

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MULTI-FAMILY R-3A TO SINGLE FAMILY R-1C WITH AN EXEMPTION FOR THE PROPERTIES LOCATED AT 6TH AVENUE WEST TO 9TH AVENUE WEST BETWEEN WARE'S CREEK AND 26TH STREET WEST AND LEGALLY DESCRIBED.

Public hearing open. Those in favor.

Patrick Roff, Ruth Lawler, Elmer Colvert, Wes Freeman and Daniel Alexander, Wares Creek neighborhood voiced their approval of the ordinance stating that the ordinance was a good compromise for both single family owners and the existing multi-dwelling unit owners. They stated that it would help with the redevelopment in upgrading the character of the neighborhood.

Those in opposition.

Carol Bonwell and Jackie Kane (Carol Bonwell's daughter) voiced their concern regarding the apartment dwelling over Jackie Kane's garage where Carol Bonwell resided and stating that they would have to tear down the apartment as the apartment was not listed on a map that had been drawn up by the Department of Development Services listing multi-dwelling homes.

Ruth Seewer and Larry Frey stated that this particular apartment was a unique circumstance and assured Carol Bonwell and Jackie Kane that the neighborhood would again be closely inspected to determine the status of each home in the area.

Public Hearing closed.

Larry Frey stated that the Department of Development Services staff and Planning Commission recommended approval of the zoning atlas amendment with the following exemption:

Exemption: All properties containing more than one valid and legally permitted dwelling unit which units have not been vacant or abandoned for one year or more may sustain the valid and legally permitted multiple dwelling units if such units are damaged or destroyed, or if the property owner chooses to make substantial improvements to the structure(s) or any part of the structure(s). This exemption shall run with the land and is transferable. In the event such use is abandoned or discontinued for more than one year, then such exemption shall cease and be of no force or effect. Properties with multiple dwelling units that were nonconforming prior to the effective date of this exemption shall not be permitted to increase the nonconformity, and shall be required to meet the minimum R-3A standards in effect at that time upon submitting an application for substantial improvement to a property."

MOTION TO APPROVE ordinance # 2753 with the exception as recommended by the Department of Development Services Staff and Planning Commission was made by Councilwoman Weaver/Councilwoman Barnebey carried 4-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

8a.

A RESOLUTION reappointing Beverly Z. Burdette to the Tree Board for the City of Bradenton, Florida and defining her term.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

8b.

A RESOLUTION appointing Heather Hill to the Tree Board for the City of Bradenton, Florida and defining her term.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

8c.

A RESOLUTION renaming the Bradenton Central Fire Station as Gene Gallo Central Fire Station: providing an effective date.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilwoman Weaver/Councilman Smith carried 4-0 for approval.

8d.

A REQUEST from Church on the Rock to hold a public event "March for Jesus" on Saturday, May 1st from 9:00 a.m. to noon with the partial closure of 9th Street.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilman Gallo/Councilwoman Barnebey carried 4-0 for approval.

8e.

A REQUEST from the Hernando DeSoto Historical Society to have permission to hold a DeSoto 5K Run on April 24, 2004 from 6:15 p.m. to 6:45 p.m. before the Grand Parade to take place on a portion of the Grand Parade Route on Manatee Avenue.

Bob Revels, President of the DeSoto Historical Society was present to answer any questions.

Discussion: Police covering the event.

MOTION TO APPROVE the request was made by Councilman Gallo/Councilwoman Weaver carried 4-0 for approval.

Addition to the agenda:

A RESOLUTION appointing Susan D. Brown to the Downtown Development Authority for the City of Bradenton, Florida and defining her term.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilman Smith/Councilwoman Weaver carried 4-0 for approval.

A REQUEST from the American Cancer Society Manatee County Chapter is requesting to use McKechnie Field to hold the Greater Bradenton Relay for Life on April 16-17, 2004.

No discussion followed.

MOTION TO APPROVE the request was made by Councilwoman Weaver/Councilwoman Barnebey carried 4-0 for approval.

Chief Radzilowski

A REQUEST from the Forfeiture Fund to hold a Gun buy-back program.

Discussion: Similar to the last gun buy back program.

MOTION TO APPROVE the request for expenditure from the Forfeiture Fund to hold a Gun Buy Back program was made by Councilwoman Weaver/Councilwoman Barnebey carried 4-0 for approval.

A REQUEST from Bill Theroux, Executive Director for the Downtown Development a proposal to consider a month by month renewal of the Lawn Bowling lease instead of an annual contract lease.

Mayor Poston stated that should this property was ever developed he would make sure that the western portion of the property would be utilized as a neighborhood park.

MOTION TO APPROVE the request was made by Councilwoman Weaver/Councilman Gallo carried 4-0 for approval.

DEPARTMENT HEADS:

Carl Callahan: Gave a brief report on the Judicial Parking Garage.

Mr. Callahan asked if the Council had any objections regarding spending funds to proceed with any necessary issues associated with the parking garage such as a survey and/or traffic study should they be needed and to proceed with the purchase of the "Pope" office building on the corner of 12th Street and 8th Avenue.

Council had no objections.

He was coordinating a workshop on the parking garage.

Chief Souders: Nothing to report.

Staci Cross: Eden system for Human Resources and payroll was now completed. Information Technology was currently meeting with four consultants from Eden regarding the Utility system.

Chief Razilowski: Nothing to report.

Carl Callahan stated the COPS grant was received with approval of four officers hired prior to June 2003.

Mayor Poston stated that due to an increase in downtown residents next year Manatee Avenue would not be closed prior to the DeSoto Parade but probably in sections before the parade.

John Ormando: Nothing to report.

Larry Frey: Stated he would not be at the next Council meeting as he would be at a conference in Washington D.C.

Discussed a future Department of Housing and Urban Development-HUD training workshop required by HUD.

Currently reorganizing the Community Development Block Grant-CDBG program to better allocate funds quicker and more effectively.

Bill Lisch: Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 12:00 p.m.

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