

**CITY COUNCIL MEETING
March 10, 2004**



The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on March 10, 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 and Vice-Mayor and Councilman Ward V James T. Golden

City Officials: Wayne Poston, Mayor, David Beauchamp, Administrative Services Director, 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. Herb McMillian, First Church of the Nazarene.
Flag salute was led by Councilman Gallo.

APPROVAL OF MINUTES:

APPROVAL OF FEBRUARY 25, 2004 MINUTES.

No discussion followed.

MOTION TO APPROVE the February 25, 2004 minutes was made by Councilman Gallo/Councilwoman Weaver carried 5-0 for approval.

PRESENTATION:

EDEN FINANCE & PURCHASING RECOGNITION

Staci Cross, Information Technology Director presented Certificates of Appreciation awards in recognition to all the employees who helped with the smooth transition for the implementation of the Eden System Purchasing module.

Carol Agar, Eden Installer was recognized for her diligent training on the Financial and Payroll System with all the employees who had worked so hard on the Eden System.

A drawing was held to receive a complimentary chair massage to Mayor Poston, Cindy Zaagman, Linda Guth and Marilynne Depew.

PUBLIC WORKS RECOGNITION

John Ormando, Assistant Director of Public Works recognized the "Employee of the Month" to **Robert "Frankie" DeFlorio** from the Lift Station.

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

Mayor Poston recognized John Cumming, Public Works Director for receiving the "*Distinguished Senior Engineering Award*" from the Myakka Chapter of the Florida Engineering Society.

PUBLIC COMMENTS:

Carol Stronstroff, Patients Rights Advocate discussed the inaccuracy of a newspaper article regarding “Statins- A cholesterol lowering drug which may save lives.”

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Invited everyone to the “Kids Fest” at the First Nazarene Church located on 59th Street West on Saturday, March 13, 2004.

Discussed the many complaints he received daily regarding the bass noise levels heard across the bay from “Bongo’s Restaurant” on Palma Sola Causeway.

Bill Lisch stated that he would review the noise ordinance and commented that this was an on-going problem in other locations relating to restaurants on the water with live music.

Councilwoman Marianne Barnebey, Ward II: Thanked the sponsors who presented the “Concert in the Garage” at Jake’s Automotive.

Thanked the volunteers and the Public Works Department for the clean up at Lewis Park.

Announced that she was again promoting the “Arthritis Walk” on May 20, 2004 and invited City employees to join her and signup as a City Team.

Vice-Mayor Michele Weaver, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Thanked the volunteers and the Public Works Department for the cleanup in Ward IV.

Councilman James Golden, Ward V: Thanked the volunteers and the Public Works Department for the cleanup in Ward V.

Congratulated the Manatee Players cast from the play “*Tom Sawyer*” for winning the National Competition in Chattanooga, Tennessee.

A RESOLUTION NOMINATING MAYOR WAYNE H. POSTON AS THE MAYOR OF THE YEAR FOR THE FLORIDA LEAGUE OF CITIES, “FLORIDA CITIES OF EXCELLENCE” AWARD PROGRAM; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the resolution was made by Vice Mayor Golden/Councilwoman Weaver carried 5-0 for approval.

Mayor Poston: Announced that at the 13th Avenue Book Fair the children raised \$4,500 to buy books.

Mayor Poston stated that he was disappointed that the half-cent sales tax had not been passed and commented that it was a missed opportunity for some property tax relief. He stated that the City would continue to strive with plans to build parks and repair infrastructure but that it would take a little longer to accomplish these goals.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

(Item 7a.) CPA-M-04-03 WARD 1 NEIGHBORHOOD 12.02 JB PUBLIC HEARING

Request of Beachway Associates, Inc., owner, for approval of a large scale Comprehensive Plan Amendment to change the Future Land Use Map Designation from County ROR to City Commercial or other appropriate designation for the property located at 7208 Manatee Avenue West. (Zoned GC)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS PROPOSED COMPREHENSIVE PLAN AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN; MAKING CERTAIN FINDINGS OF FACT; AUTHORIZING TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT APPLICATION CPA-M-04-03, BEACHWAY ASSOCIATES, INC., AMENDING THE FUTURE LAND USE ELEMENT (FUTURE LAND USE MAP); PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing was opened. Those in favor.

Matt Campo, Burcaw and Associates, Inc. representing Beachway Associates requested approval and stated he would be glad to answer any questions.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Department of Development Services staff and Planning Commission recommended approval of the request.

MOTION TO APPROVE the resolution as recommended was made by Councilman Gallo/Councilwoman Weaver carried 5-0 for approval.

(Item 7b.) CPA-M-04-04 WARD 1 NEIGHBORHOOD 12.04B LF FIRST READING PROPOSED ORDINANCE #2754

Request of Robert Schmitt, AICP, Land Planning and Associates, agent for Alfred Parente, owner, for approval of a small scale Comprehensive Plan Amendment to change the Future Land Use Map Designation from Commercial to Residential-10 or other appropriate designation for the property located at 9915 Manatee Avenue West. (Zoned C-2)

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 9915 MANATEE 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 (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-04-04) CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL-10; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and to set the second reading and public hearing for March 24, 2004 was made by Councilman Gallo/Councilman Smith carried 5-0 for approval.

(Item 7c.) LUR-AA-04-04 WARD 1 NEIGHBORHOOD 12.04B LF
FIRST READING OF PROPOSED ORDINANCE #2755

Request of Robert Schmitt, AICP, Land Planning and Associates, agent for Alfred Parente, owner, for approval of a Zoning Atlas Amendment to change the designation from C-2 to PDP or other appropriate zone for the property located at 9915 Manatee Avenue West. (Zoned C-2)

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 C-2 TO PDP (PLANNED DEVELOPMENT PROJECT) FOR THE PROPERTY LOCATED AT 9915 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for March 24, 2004 was made by Councilman Gallo/Councilwoman Weaver carried 5-0 for approval.

(Item 7d.) LUR-AA-04-05 WARD 3 NEIGHBORHOOD 6.01 LF
FIRST READING OF PROPOSED 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-1C or 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.

MOTION TO APPROVE the second reading and first public hearing for March 24, 2004 was made by Councilwoman Weaver/Councilwoman Barnebey carried 5-0 for approval.

Discussion: Special handling of public notice letters and advertisement requirements.

MOTION TO APPROVE the second public hearing for April 14, 2004 was made by Councilwoman Weaver/Councilman Smith carried 5-0 for approval.

A letter was submitted to the City Clerk from Carol Bonwell regarding this issue.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

David Beauchamp

Item 8a. **The March of Dimes is requesting** a Walk/Run on Saturday, April 24, 2004 start/finish at the Manatee Memorial Hospital parking lot through Rossi Waterfront Park to Barcarrota Boulevard turning around at the Manatee County Library and returning to Manatee Memorial Hospital parking lot.

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval.

Item 8b. The Arthritis Foundation is requesting a Walk/Run on Thursday, May 20th start/finish at 3rd Avenue and Old Main Street over the Green Bridge to Palmetto and returning to start/finish line.

Discussion: Using the same route as the 2003 Walk/Run.

MOTION TO APPROVE the request was made by Councilwoman Barnebey/Councilwoman Weaver carried 5-0 for approval.

Larry Frey

(Item 8a.) INTERLOCAL AGREEMENT WITH MANATEE COUNTY HOUSING AUTHORITY

Requested approval for the Interlocal Agreement with the Manatee County Housing Authority, an agreement which stated that the Grants & Assistance Housing Inspector shall conduct and perform the Housing Quality Inspections – HQS at an initial rate of pay of \$59.28 per each inspected unit.

Councilwoman Barnebey asked if this would this create a liability to the City?

Bill Lisch stated “No, it would not.”

MOTION TO APPROVE the request was made by Councilwoman Weaver/Councilwoman Barnebey carried 5-0 for approval.

(Item 8b.) PROPOSED DEMOLITION PROCESS

Ken Gano, Building Official gave a brief summary on the demolition process.

Larry Frey introduced two new employees **Darin Cushing**, Plans Examiner and **Cheryl Landers**, Customer Service Specialist in the Department of Development Services.

(Item 8c.) ANNUAL IMPACT FEE REPORT

Larry Frey gave a brief overview on the Annual Impact Fee Report from January 1, 2003 to December 31, 2003.

He stated in the future the report would reflect the City’s fiscal year reporting from October, 2003 to September, 2004 with the next report being November, 2004.

Discussion: To include citizen’s input as to how the impact fees would be spent. To discuss this issue at the Public Mayor Program meetings in each Ward.

Chief Radzilowski

(Item 8a.) FORFEITURE FUND EXPENDITURE

Requested approval to purchase a Kustom Signal computer retrofit kit for the speed trailer at a cost of \$3,020.00.

MOTION TO APPROVE the request was made by Councilwoman Barnebey/Councilman Weaver carried 5-0 for approval.

DEPARTMENT HEADS:

David Beauchamp: Nothing to report.

Mark Souders: Nothing to report.

Staci Cross: Nothing to report.

Michael Radzilowski: Stated that the Police Department was actively enforcing the noise ordinance regarding playing loud music in cars.

John Cumming: Reported that 170 tons of trash was collected this past weekend from the Great American clean up.

Distributed a time line and gave a brief update on the 10th Avenue East drainage improvement project.

Announced that the improvement at the 15th Street and 4th Avenue East intersection was almost completed.

Announced that Councilwoman Weaver would be attending a Water Alliance Board meeting on March 19, 2004 to discuss various water supply projects in the area.

Larry Frey: Distributed a tentative Community Development Block Grant - CDBG Application Schedule 2004-2005 for information purposes only.

Bill Lisch: Requested A RESOLUTION APPROVING THE TRANSFER OF CERTAIN PROPERTY AT FIRST BAPTIST CHURCH, INC. PROVIDING FOR AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the resolution as requested was made by Vice Mayor Golden/Councilwoman Barnebey carried 5-0 for approval.

Mayor Poston: Requested to send a letter on behalf of the City of Bradenton to the Manatee County Board of Commissioners stating that the City would continue to comply with the Interlocal Agreement outlined in the Accord despite the failure of the half cent sales tax.

MOTION TO APPROVE the request was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 10:00 a.m.

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