

**CITY COUNCIL MEETING
November 15, 2006**

APPROVED BY
December 13, 2006
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 November 15, 2006 at 8:30 a.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; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology 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 Bill Pierson, JOY Fellowship.
Pledge of Alliance was led by Mayor Poston.

Councilwoman Ward II Marianne Barnebey was excused from the meeting.

PRESENTATIONS

**Downtown Development Authority Update
Downtown by Design: The CRA Master Plan**

Mike Kennedy, Executive Director of Downtown Development Authority, and **John Paul Weesner**, Consultant with Glatting Jackson, gave a brief PowerPoint presentation of what the steering committee and the public had suggested for the redesign of the downtown area.

Mr. Weesner stated that the objective of the Master Plan was to develop a 5-year vision for the Bradenton CRA study area which could be implemented through subsequent physical construction projects or planning initiatives. The Plan should address:

- Community Character
- Traffic and Circulation
- Land Use and Urban Design Principles
- Open Space
- Market Analysis and Opportunities (RCLCO)

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

CITIZEN COMMENTS

Jay Burnell, 929 22nd Street West, stated that a new neighborhood association had been formed in the area located south of 9th Avenue West, and extending to 17th Avenue West, from Wares Creek, west to 26th Street West.

Mr. Burnell stated that the police department had been very helpful to the association in establishing crime watch efforts in the area.

Mayor Poston thanked Mr. Burnell for organizing this association and invited him to attend the Neighborhood Presidents' Association meeting which would take place in January, 2007.

Preston Griffith, 112 10th Street East, stated that he was in favor of the enhancement of the waterfront and “boat availability” along Riverside Drive East.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Stated that he had heard the same topics before, but hoped that with the new leadership of the Downtown Development Authority in place, the 5-year vision would now come to fruition.

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

Councilman Patrick Roff, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Referred to a newspaper article comparing the City of Bradenton to Baghdad. He stated he was offended by what was said in the article and that the headline was misleading. He stated that the article implied that crime was up in the city. In actuality, crime had decreased within the city limits, but gang related crime was up in Manatee County.

Councilman James Golden, Ward V: As Fire Commissioner, reported that October had been “*Fire Prevention Month*”. He gave the October statistics listing 125 calls to the fire department, including 6 structure fires with 293 medical calls. He stated that the fire department had presented fire prevention programs in schools and service organizations to over 7,000 children.

Councilman Golden stated the fire department co-hosted an insurance services organization course which was an important part of the fire prevention structure that impacted fire and property insurance rates.

Mayor Wayne Poston: Reported that because of the economic slowdown in development it was a good time to begin working on the three separate master plans.

CONSENT AGENDA

Approval of Minutes of October 25, 2006.

RESOLUTION 06-64

A Resolution of the City Council of the City of Bradenton, Florida, establishing a mileage reimbursement rate for City of Bradenton employees using personal vehicles to travel on city business; providing an effective date.

RESOLUTION 06-65

A RESOLUTION APPOINTING **LINDA PEREZ** TO THE TREE & LAND PRESERVATION BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

MOTION TO APPROVE THE CONSENT AGENDA consisting of the Minutes of October 25, 2006, Resolution 06-64 and Resolution 06-65 was made by Councilman Golden/Vice Mayor/Councilman Gallo and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2852/RS

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT TO BE KNOWN AS VILLAGES OF GLEN CREEK COMMUNITY DEVELOPMENT DISTRICT PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2852 for December 13, 2006 was made by Councilman Golden/Vice Mayor/Councilman Gallo and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

FIRST READING OF PROPOSED ORDINANCE 2853/ CC

AN ORDINANCE AMENDING CHAPTER 66, ARTICLE IV, OCCUPATIONAL LICENSES, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY RENAMING OCCUPATIONAL LICENSE AND OCCUPATIONAL TAX TO LOCAL BUSINESS TAX IN COMPLIANCE WITH CHAPTER 2006-152 OF THE LAWS OF FLORIDA; PROVIDING FOR RECEIPTS AND DOCUMENTS EVIDENCING PAYMENT AND COMPLIANCE TO BEAR THE NAME "LOCAL BUSINESS TAX RECEIPT"; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2853 for December 13, 2006 was made by Councilman Roff/Councilman Smith and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

CP.06.0016 CITY OF BRADENTON

Request of City of Bradenton for a Large Scale Comprehensive Plan Amendment for text changes to the Coastal Management Conservation Element, Recreation and Open Space Element, and Historic Preservation Element.

FIRST READING OF PROPOSED ORDINANCE 2851

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.06.0016) PERTAINING TO TEXT CHANGES TO THE COASTAL MANAGEMENT CONSERVATION ELEMENT, RECREATION AND OPEN SPACE ELEMENT AND HISTORIC PRESERVATION ELEMENT, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2851 for December 13, 2006 was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

LU.06.0034 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Larsen-Tihy Construction Co. and Joe and Debby Hampton, owners, to change the Land Use Atlas Designation from R-2A and R-1D to C-1A for property located at 504, 508, 516, 518, 522, and 526 9th Avenue East. (Zoned R-2A/R-1D)

PROPOSED ORDINANCE 2849

SECOND READING AND 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 R-2A AND R-1D to C-1A FOR PROPERTY LOCATED AT 504, 508, 516, 518, 522 AND 526 9TH AVENUE EAST AND LEGALLY DESCRIBD.

The public hearing was opened, those in favor.

Peter Tihy, Larsen-Tihy Construction, gave a brief overview of two existing triplexes requesting the designation change to commercial to allow small businesses.

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

MOTION TO APPROVE LU.06.0034, Ordinance 2849 was made by Councilman Golden/Vice Mayor/Councilman Gallo and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

LU.06.0033 WARD 5 NEIGHBORHOOD 1.03/1.04 RS

Request of Kiernan Fradette, agent for the Artists Guild of Manatee Inc., owner, for text amendments to the City of Bradenton Land Use Regulations relating to the Village of the Arts to allow artists in the Village of the Arts Overlay District (VAOD) to construct on their property, in addition to their own living and studio space, a second and separate living unit that may be rented to produce revenue (Zoned R3B/Urban Village/VAOD)

SECOND READING OF PROPOSED ORDINANCE 2850

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE REGULATIONS TO ALLOW FOR ACCESSORY DWELLING UNITS AND ARTISTS WORKSHOPS/GALLERIES IN THE VILLAGE OF THE ARTS OVERLAY DISTRICT (VAOD) AND THE REGULATION THEREOF; 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.

Kiernan Fradette, 19407 64th Avenue East, artist and property owner in the Village of the Arts, gave a brief overview of the ordinance which would allow an accessory dwelling unit on existing single-family lots in the Village of the Arts District (VOAD) per the requirements as set forth in Section 404(E)(6).

General discussion: Increased value of properties, causing increased taxes. Not waiving any special requests involving development and construction codes.

Tim Polk stated that there would be guidelines set for the owners to follow. He stated that the currently open Zoning and Enforcement Officer position would oversee compliance of the guidelines.

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

Tim Polk gave an overview of the Planning and Community Development Staff Evaluation Report with the staff recommendation for approval based on the proposed amendments being consistent with the Comprehensive Plan with the Planning Commission approval of the staff recommendation with the text amendment as proposed.

Councilman Roff voiced his concern that the units would be abused as multi-rental units and would cause the same problems in the VOAD as similar units had in the Wares' Creek area. He voiced his concern for the southern side of the village and the existing rental problems and stated that he had difficulty supporting the motion.

General discussion: Converting houses into multi-family units and what was needed to help the "Village Artists" survive. Economic needs for special rental housing and guidelines for housing standards. Concerns about absentee landlords and house flipping in this area.

Tim Polk stated that there have been numerous meetings with the Artist Guild, the Merchants Association and all city departments that would be watching this area for any problems that may arise.

MOTION TO APPROVE LU.06.0033, Ordinance 2850 as recommended by the Planning and Community Development staff and the Planning Commission was made by Councilman Golden/Councilman Smith and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

SU.06.0025 WARD 4 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Linda Svenson, owner, for approval of a Special Use permit to build a 30-foot dock extension for a boat lift for property located at 1408 1st Avenue East. (Zoned R-1B)

The public hearing was opened, those in favor.

Howard Miller, Duncan Seawall representative, gave a brief overview of the request for Linda Svenson to extend an additional 30 feet to the existing 80 foot dock.

Ruth Seewer, Development Review Manager, stated there were strict state regulations and that the application could not be received until the permit was first approved by the state.

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

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation to approve the request based on the criteria for dock construction as specified in Section 202.A and 501.B.13 of the Land use Regulations.

MOTION TO APPROVE SU.06.0025 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

SU.06.0026 WARD 4 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Duncan Seawall, Dock, & Boat Lift, Inc., agent for Rebecca Jepsen, owner, for approval of a Special Use permit to construct a dock for property located at 1804 Riverside Drive East (Zoned R-1B)

The public hearing was opened, those in favor.

Howard Miller, Duncan Seawall representative, gave a brief overview of the request for Rebecca Jepsen to build a 40-foot dock with a 10x20 foot platform at the end for a total length of 50 feet.

General discussion: Concerns for the lift station. That the state required a 25-foot set back therefore the dock should not have any effect on the lift station.

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

Ruth Seewer, Development Review Manager, stated that the owner had to obtain a right-of-way permit from the Public Works Department and were not allowed to hook up to the seawall. She stated that the city had the right to remove the dock if there was a need.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation to approve the request based on the criteria for dock construction as specified in Section 202.A and 501.B.13 of the Land use Regulations.

MOTION TO APPROVE SU.06.0026 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

SU.06.0027 WARD 2 NEIGHBORHOOD 12.02 RS

PUBLIC HEARING

Request of Gary Jodat, owner, for approval of a Special Use permit to build a dock exceeding 80' in length for property located at 2710 Riverview Blvd. W (Zoned R-1B)

The public hearing was opened, those in favor.

Gary Jodat, 800 Mulberry Lane, Longboat Key, requested approval to build a 158-foot dock at a rental home that he owned.

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

General discussion: That this dock could not be rented out but was strictly for the use of the residence renters only.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation to approve the request based on the review criteria in the Land Use Regulations. The dock was consistent with other docks along this portion of the river.

MOTION TO APPROVE SU.06.0027 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 4-0 for approval.

(Councilwoman Barnebey was excused from the meeting.)

SU.06.0028 WARD 4 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Lisa S. and Guy Pessina, owners, for approval of a Special Use permit for a garage apartment at property located at 221 2nd Avenue Drive East. (Zoned C-1A)

The public hearing was opened, those in favor.

Lisa Pessina, 4349 Pompano Lane, Palmetto, Florida requested approval of an accessory garage apartment located at 221 2nd Avenue Drive East.

General discussion: That Planning and Community Development had no record of approval for this garage apartment. The apartment did exist and did meet all the criteria as a garage apartment and to be permitted for Special Use.

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

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation to approve the request based on the criteria referenced in Section 403 of the Land Use Regulations.

Councilman Smith stated he would support this request based on its proximity to Manatee Memorial Hospital and the need to accommodate affordable housing.

Councilman Roff stated he would not support the request as there were so many problems with garage apartments in Ward III.

MOTION TO APPROVE SU.06.0028 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilman Smith/Councilman Golden and carried 3-1 for approval with Councilman Roff in opposition. (Councilwoman Barnebey was excused from the meeting.)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

2007 City Council Meetings Schedule

Mr. Callahan submitted two drafts for the Councils consideration:

Draft A-Regular Sessions with two meetings in July and August and one meeting on November 14th at 8:30 a.m. and one meeting December 19th at 6:00 p.m.

Draft B-Summer Sessions with one meeting in July and August and one meeting on November 14th at 8:30 a.m., and a choice of one meeting either December 12th or December 19th at 6:00 p.m.

Vice Mayor/Councilman Gallo stated that, as the senior councilmember for many years, he felt there had never been a need for nighttime meetings and that he would like to see all the meetings set for daytime. He stated that if there was a special issue which would require a night meeting, Council could request a change of time.

Lengthy discussion regarding the necessity for nighttime meetings.

A motion was made by Vice Mayor/Councilman Gallo to make all the meetings daytime; the motion died for lack of a second.

General discussion that because of the length of time from the November meeting, it would be better to have the December, 2007 meeting on the 12th at 8:30 a.m.

MOTION TO APPROVE DRAFT B-SUMMER SESSION 2007 with the December 12th meeting at 8:30 a.m. was made by Councilman Golden/Councilman Roff and carried 3-2 with Councilman Golden and Councilman Roff in favor, Councilman Smith and Vice Mayor/Councilman Gallo in opposition with Mayor Poston breaking the tie in favor to approve. (Councilwoman Barnebey was excused from the meeting.)

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Mr. Callahan recommended approval to change the December 13, 2006 meeting from 6:00 p.m. to 8:30 a.m. due to an advertisement that had already been published for the second reading and public hearing of Ordinance 2850.

No discussion followed.

MOTION TO APPROVE as recommended by Mr. Callahan to change the December 13, 2006 meeting from 6:00 p.m. to 8:30 a.m. was made by Councilman Golden/Councilman Roff and carried 4-0 for approval.

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REQUEST BY the Hernando De Soto Historical Society, Inc. to hold the 2007 De Soto Celebration Festival activities beginning with the Seafood Festival, Friday, March 30th – April 1st; 2007, the Sunrise Service Sunday, April 8, 2007; the Bottle Boat Regatta Saturday, April 21, 2007; and the Grand Parade /5k run, Saturday, April 28, 2007.

Councilman Smith thanked the De Soto committee for working with the Old Main Street Market Association and again asked that they work out the details with the market's participation during this time.

MOTION TO APPROVE the request by the Hernando De Soto Historical Society to hold the 2007 Celebration Festival activities as presented was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 3-1 for approval. Councilman Golden in opposition due to his religious conviction against alcohol consumption associated with the Seafood Festival. (Councilwoman Barnebey excused from the meeting.)

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REQUEST BY the Arthritis Foundation to hold the Jingle Bell Run/Walk for Arthritis on Thursday, December 7, 2006 from 5:30 p.m. to 10:00 p.m.

No discussion followed.

MOTION TO APPROVE the request by the Arthritis Foundation was made by Councilman Golden/Councilman Smith and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

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**REQUEST BY Lindsey Patton on behalf of the Anchor Club to hold a benefit concert for Ryan Costello's medical needs on December 9, 2006 from 3:00 p.m. to 8:00 p.m. at Rossi Park.**

Mr. Callahan indicated that the next agenda item, the Winter Wonderland event, had been requested on the same day, but that he saw no conflict as they were to take place in different locations in the downtown area. He stated that an email had been received from the Bradenton Downtown Partners stating that there would not be a problem with parking on the leased parcel as long as the applicant provided an insurance rider.

**MOTION TO APPROVE the request made by Lindsey Patton on behalf of the Anchor Club was made by Councilman Golden/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

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REQUEST BY Councilwoman Barnebey on behalf of Winter Wonderland to hold a family event to promote downtown on December 9, 2006 from 5:00 p.m. to 10:00 p.m. with street closures on Old Main Street from Manatee Avenue north to 3rd Avenue; with 3rd Avenue and 4th Avenue road closures from 13th Street going one block east.

No discussion followed.

MOTION TO APPROVE the 2006 Winter Wonderland was made by Vice Mayor/Councilman Gallo/Councilman Golden and carried 4-0 for approval. (Councilwoman Barnebey was excused from the meeting.)

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**RESOLUTION NO. 06 - 66**

A RESOLUTION AMENDING THE FEE SCHEDULE ADOPTED BY FORMER CHAPTER 12, SECTION 45 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY PROVIDING FOR AN INCREASE IN FEES FOR GARBAGE, TRASH AND RECYCLING; PROVIDING AN EFFECTIVE DATE.

John Cumming stated that there was a \$5.00 per ton landfill fee increase (18%) at the County Lena Road landfill which was based on the actual tipping fee, and he recommended approval of Resolution 06-66.

**MOTION TO APPROVE Resolution 06-66 was made by Councilman Roff/Councilman Smith Councilman Roff/Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey was excused from the meeting.)

John Cumming

**Solid Waste "Recycled Collection" Update**

Mr. Cumming referred to a memorandum dated November 13, 2006 which reported that as part of the continuing efforts to reduce costs in the City's Solid Waste Department, a plan was to make a change in collection of recycled goods. The proposed change would allow reduction in personnel and equipment without reducing customer service. He stated the plan would be implemented January, 2007 with approximate expected savings totaling \$112,000.

NO ACTION WAS NEEDED.

## DEPARTMENT HEADS

**Carl Callahan:** Reported that an ordinance would be forthcoming for the Consumer Price Index Urban (CPIU) annual increase as recommended by the city's consulting engineers to advertise for the first reading in January, 2007 with the increase to take effect February 1, 2007. He stated these funds were proposed to be used for the replacement of older pipes or to install pipe linings in the older pipes.

**Chief Souders:** Reported that the controlled burn at 1328 15<sup>th</sup> Street West would take place on December 9, 2006 for the MTI training. He stated he would confirm the need for a front-end loader at a later date.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Reported that the city continued to have a decrease in crime while the county would be reaching a double-digit number by the end of the year. He stated that the partnership with the communities was paying off to help continue to reduce crime in the city.

Chief Radzilowski stated he anticipated an increase in crime during the holidays due to theft, and warned citizens not to leave their cars unlocked with purchases in the vehicles.

**John Cumming:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch: RECOMMENDED APPROVAL to reappoint hearing officers from the law firm of Dye, Deitrich, Prather, Petruff and St. Paul: Alan Prather, Jim Dye, Steve Dye, Patricia Petruff and Michelle Hall on vehicle impoundment issues.**

No discussion followed.

**MOTION TO APPROVE the recommendation by Bill Lisch to reappoint hearing officers from the law firm of Dye, Deitrich, Petruff and St. Paul was made by Vice Mayor/Councilman Gallo/Councilman Roff and carried 4-0 for approval.**

**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.