

**CITY COUNCIL MEETING
January 11, 2006**

**APPROVED BY
January 25, 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 January 11, 2006 at 8:30 a.m.

Present: Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; 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; temporarily represented by Major J. J. Lewis; Tim Polk, Development Services 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 Paul Scheele, of the Congregational United Church of Christ.

Flag salute was led by Vice Mayor Gallo.

Mayor Poston announced that the Mira Isles negotiations would be discussed in a Shade Meeting, and then set for public comment at a later Council meeting.

Bill Lisch stated that he would discuss and accept strategies, negotiations and advice with no action made at this meeting. Proper notice would be given to set a public hearing for any public comments.

MOTION TO SET a special Shade Meeting to discuss the Mira Isles negotiations on Wednesday, January 18, 2006 at 1:00 p.m. in the Council Conference Room was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

PROCLAMATIONS

FLORIDA ARBOR DAY PROCLAMATION – JANUARY 20, 2006

PRESENTATIONS

Information Technology – On-line Utility Billing

Staci Cross gave a brief overview of the implementation of the on-line Utility Billing payment program which was the last of the Eden applications. She stated the system was integrated with all the other city applications, allowed out-source for payment of utility bills which saved time and money, and enabled easier processing of fees. She stated the implementation of this program had impacted many employees from many departments. She recognized the following for their assistance:

Tricia Caruso-Lowe, Diane Sauer, and Patricia Schilling, Utility Billing; **Agnes Grable, Ervin Barfield** and **Dave Beauchamp**, Customer Service; **Janice Maginness**, Cashiering; **Janis McClendon**, Recycling; **Ricardo Ramos**, Solid Waste; **Mike Fawcett, Ian Larramore, Mike Goff, Bob Major, and Brian DeGlopper**, Water Meter Department.

Sheila Lindergren and **Fuji Antony**, Finance Department.

She expressed thanks to the Information Technology Department team:

Sandy Markman, Chuck Kessler, Bruce Williams, Dallas Powell, Diana Rowell and Steve Pac .

Bruce Williams, Information Technology Business Analyst, gave a brief report of the on-line Utility Billing website payment process.

He stated that in the future, citizens would also be able to view the permit process and make permitting application payments on-line. In addition, employees would be able to access their files through Human Resources.

Department of Development Services Recognition

Tim Polk recognized **Volker Reiss** and congratulated him on receiving his paralegal degree with a 4.0 grade point average.

Volker thanked everyone for allowing him to pursue this degree and praised the city's education program.

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

CITIZEN COMMENTS

Edward Ridell, 1506 21st Avenue Drive West in the Bradenton Tropical Palms Trailer Park, voiced his concern regarding the rumors that the City of Bradenton had plans to take over the park by eminent domain. He stated that the trailer park board decided they would put the park up for sale at a price of \$88 million dollars in lieu of the use of eminent domain. He stated that Bill Manfull, a developer had been interested in the purchase of the park if the zoning could be changed to 50 units per acre.

Mayor Poston stated that the city had no interest in purchasing the park or taking the park over by eminent domain.

Mayor Poston stated that Councilman Roff, Bill Lisch and he would meet with the park residents to assure them that the city had no plans of exercising eminent domain.

Mr. Ridell stated that at the park's last board meeting, it was said that the city wanted the park for affordable housing purposes.

Mayor Poston stated this, too, was a false rumor.

Mr. Ridell inquired about the 99 year lease and the Wares Creek issue with the purchase of properties surrounding Wares Creek.

Mayor Poston stated that the negotiations were between the Army Corp of Engineers and the property owners and that the city was not involved in these negotiations.

Mayor Poston stated that the city was working with the county and the Army Corp of Engineers to dredge the Wares Creek drainage basin.

General discussion: State legislative laws regarding mobile homes.

Deborah Schreider, 1717 1st Avenue West, commended Ruth Seewer, Development Review Manager, Cheryl Landers, Code Enforcement Officer, and Lieutenant Richard Hill, of the Bradenton Police Department for their outstanding performance as city employees.

Deborah Schreider voiced her concern about the Point Pleasant neighborhood stating that the city needed to protect this neighborhood through historic preservation.

Ms. Schreider voiced her concern that the previously approved Point Pleasant Partners, LLC development was not moving forward and that the sidewalks were in disrepair.

Mayor Poston stated that he met monthly with various neighborhood presidents and that he was in continuous conversation with the Point Pleasant neighborhood president regarding the sidewalk situation. He stated the development had been placed on hold due to the lawsuit that she filed and but would soon restart.

Mayor Poston stated that the Architectural Review Board was in the process of protecting the integrity of the older neighborhoods.

Ruth Seewer, Development Review Manager gave a brief report on the Point Pleasant Partners , LLC development were in the permitting process for the development.

Councilman Roff stated that historic preservation was very important to him and that he would be glad to meet with her and other Point Pleasant neighborhood residents to discuss this issue with them.

Tim Polk stated he would meet with Deborah Schreiber to survey the Point Pleasant neighborhood and meet with the Department of Development Services staff and the city attorney to bring back a recommendation to the council at the last meeting in March.

COUNCIL REPORTS

Vice Mayor and Councilman Gene Gallo, Ward I: Wished Bob Sweat, Supervisor of Elections, a speedy recovery after breaking his hip.

Councilwoman Marianne Barnebey, Ward II: Announced she would be attending the Operation Desert Storm anniversary chili cook-off at the Kirby Stewart Post on 75th Street.

Councilwoman Barnebey reminded everyone that the Manatee County Fair would take place on January 19 – 29, 2006.

Councilman Patrick Roff, Ward III: Thanked the citizens for electing him to the Ward III council seat.

Councilman Roff stated he attended a Metropolitan Planning Organization Tamiami Trail Scenic Highway meeting regarding a grant for highway improvements from Port Charlotte up to Palmetto.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: Invited everyone to come and participate in the Martin Luther King celebration activities: a banquet on Friday, a parade at noon on Saturday, and a Sunday evening fellowship at the Palmetto Youth Center. He requested everyone to devote Monday as a day of community service in honor of Martin Luther King.

Councilman Golden stated that discussion at a previous Tampa Bay Regional Planning Council; the Office of Program Policy Analysis in Government Accountability in Tallahassee, had determined that Manatee County should be realigned with the Fort Myers Regional Planning Council.

REQUEST BY Councilman Golden that Mayor Poston send a letter to the Tampa Bay Regional Planning Council stating that the City of Bradenton liked the current alignment and that Manatee County should stay in the Tampa Bay region.

MOTION TO APPROVE the request was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

Councilman Golden thanked all those who were responsible for moving ahead with the storm water improvements projects on 15th Street East.

Councilman Golden requested the Public Works Department to coordinate efforts to seek funding from the Florida Department of Transportation (FDOT) for the roadway improvements in this area.

Lengthy discussion: Regarding other roadway improvements throughout the city that also would be benefited by the FDOT funds.

Councilman Golden requested that a meeting be held to discuss a sidewalk and maintenance improvement agreement to collaborate a process of setting priorities for installing sidewalks.

Discussion: Not all residents wanted sidewalks in front of their homes.

Councilman Golden voiced his concern that there wasn't enough sidewalks in his ward and that in his opinion the residents in Ward V wanted sidewalks.

Lengthy discussion that sidewalks were needed throughout the city should the citizens want them.

Mayor Wayne Poston: Reported that he was one of eight charter members to help form a new state organization called the Florida League of Mayors. Mayor Poston stated that by-laws would be set and that twelve more mayors would be selected as the first board members.

Mayor Poston stated that the Florida League of Mayors had been formed to lobby in Tallahassee on behalf of Florida cities that were under attack by their counties.

Mayor Poston announced that a Council of Government meeting would be held on January 23, 2006 at 9:00 a.m. for all Manatee County governmental entities.

CONSENT AGENDA

RESOLUTION 06 - 01

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2006 LEGISLATIVE SESSION.

RESOLUTION 06 - 02

A RESOLUTION REAPPOINTING GUS SOKOS AND TROY DUGAN TO THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

RESOLUTION 06 - 04

A RESOLUTION FOR APPOINTMENT TO THE GRIEVANCE BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

RESOLUTION 06 -05

A RESOLUTION REAPPOINTING INGRID MCCLELLAN TO THE TREE BOARD FOR THE CITY OF BRADENTON, FLORIDA, AND DEFINING HER TERM.

RESOLUTION 06 - 06

A RESOLUTION APPOINTING ROBERT C. GAUSE TO THE ARCHITECTURAL REVIEW BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

RESOLUTION 06 - 07

A RESOLUTION REAPPOINTING LUCILLE O. HYMES TO THE POLICE PENSION BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

RESOLUTION 06 - 08

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, DECLARING TAMPA BAY EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW (EPCRA) AWARENESS WEEK.

RESOLUTION 06 - 09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON FLORIDA, ESTABLISHING IRS REIMBURSEMENT RATE FOR CITY OF BRADENTON EMPLOYEES USING PERSONAL VEHICLES TO TRAVEL ON CITY BUSINESS; PROVIDING AN EFFECTIVE DATE.

RESOLUTION 06 - 10

A RESOLUTION APPOINTING ASHLEY CANESSE TO THE ENTERPRISE ZONE BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

RESOLUTION 06 -11

A RESOLUTION REAPPOINTING RAYMOND FELSKA AND STEPHEN CARLSEN TO THE CONSTRUCTION BOARD OF RULES AND APPEALS FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

RESOLUTION 06 - 12

A RESOLUTION APPOINTING KEN GREEN, KAREN KLOSKY AND ABRAHAM EPSTEIN TO THE TREE BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

RESOLUTION 06 -13

A RESOLUTION REAPPOINTING JOANNE VANESKA, O.M. GRIFFITH, H. EUGENE BAY AND CHRIS PENNEWILL TO THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERM.

MOTION TO APPROVE the Consent Agenda for Resolutions 1 through 13 was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SP.05.0003 WARD 4 NEIGHBORHOOD 7.02A RS

Request of Cyrix Engineering, Inc., agent for Pinnacle Group of Sarasota, Inc., owner, for Subdivision Preliminary Application for property located at 2801 11th Avenue East. (Zoned R-1B)

Tim Polk gave a brief summary of the Department of Development Services staff report and stated that the staff recommended approval with five stipulations and the Planning Commission recommended approval with one additional stipulation. They were as follows:

1. The sidewalk along 11th Avenue East would extend to the west property line. This would be reflected in the construction drawings and on the final plat.
2. The two streets proposed would be numbered. This would be reflected in the construction drawings and on the final plat.
3. All residences would have a minimum of 1,200 square feet of living area under air, excluding garage, carport, screen enclosures, or lanais.
4. Deed restrictions would not supersede minimum city code requirements, such as paved driveways.

5. Trees would be replaced on site. The number of replacements and sizes would be determined at the time of the site improvement/tree removal permit review.

6. Location of wall on north side would be at the discretion of the Public Works Department.

General discussion regarding a water line and the location of the wall.

MOTION TO APPROVE SP.05.0003 as recommended by the Department of Development Services staff and Planning Commission with six stipulations was made by Councilman Smith/

LU.05.0021 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Stephen W. Thompson, Esquire, agent for Bradenton Palm Trace Apartments, LLC, owner, to amend the Land Use Atlas Designation to include the Wares Creek overlay exemption for the property located at 2309 Manatee Avenue West.

(Zoned P/R-1C)

FIRST READING OF PROPOSED ORDINANCE 2813

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO INCLUDE THE WARES CREEK OVERLAY EXEMPTION FOR THE PROPERTY LOCATED AT 2309 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

Councilman Roff stated that prior to being elected as a council member, he was familiar with this request and had numerous discussions regarding it, and had no financial interest in this request.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2813 for January 25, 2006 was made by Councilman Roff/Councilwoman Barnebey and carried 5-0 for approval.

RV.05.0010 WARD 4 NEIGHBORHOOD 20.03 RS

Request by Stephen W. Thompson, Esquire, agent for Bradenton Land Co./Southern Hospitality, LLC, owner, to vacate the Virginia Heights platted subdivision located at 407 48th Street Court East. (Zoned PDP)

RESOLUTION NO. 06-03

PUBLIC HEARING

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS "PLAT VACATION" LEGALLY DESCRIBED.

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

Stephen Thompson, representing the applicant, gave a brief overview of the request to vacate a platted subdivision known as Virginia Heights in order to move forward with a Planned Development Project to be known as Magnolia Lakes. The applicant owned all adjacent property to the east of the subdivision, as well as all lands within the subdivision. The vacation of the subdivision allowed the property to be joined with the applicant's property to the east, and that it would be designated as one parcel, with out easement encumbrances required between lots. These lots all faced the dedicated right-of-way of 48th Street Court East.

Mr. Thompson stated that this property would be the future site of a fire station.

General discussion regarding the legal issue of a 20 foot strip north of this property currently in the process for quiet title and that this property was not included in this request.

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

Tim Polk stated that the Department of Development Services staff and the Planning Commission recommended approval of the request based upon the General Standards and Regulations pursuant to Section 202.G of the Land Use and Development Regulations.

MOTION TO APPROVE RV.05.0010, Resolution 06-03 as recommended by the Department of Development Services staff and the Planning Commission was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.

SU.05.0018 WARD 5 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Phyllis Mays, owner, for Grasshopper Academy, for Special Use approval to operate a daycare center located at 1300 Manatee Avenue East. (Zoned C1A)

The public hearing was opened, those in favor, hearing none.

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

Tim Polk gave the Department of Development Services staff report and stated that the staff recommended approval with five stipulations and the Planning Commission recommended approval with one additional stipulation and the underlined in stipulation #1. They were as follows:

1. Reinforced concrete bollards would be installed outside the fence around the playground area.
2. All inferior landscaping would be replaced.
3. Additional trees and shrubs, subject to the approval of the Department of Development Services staff, would be installed around the playground area.
4. Kitchen facilities would meet the requirements of a commercial kitchen as specified by the Fire Department.
5. The subject property would be properly maintained at all times as a gateway into the city. Chronic care-of-premises violations by the Code Enforcement Board may result in revocation of this Special Use approval.
6. Dumpster size, fencing and gates would be brought up to current standards.

Councilman Smith voiced his concern that the daycare was located on Manatee Avenue, a very busy roadway.

General discussion regarding the location and safety of the 24-hour daycare center on a major thoroughfare.

Ruth Seewer, Development Review Manager, stated that this was not the most ideal location for a daycare center but that the location was the nearest in the proximity of Tropicana and Manatee Memorial Hospital.

She stated that the location and safety issues had been addressed at length at the Planning Commission and it had been determined that these issues were not detrimental to the children.

Vice Mayor Gallo voiced his concern with the location and the exit onto Manatee Avenue and asked if the exit could be eliminated. He stated he could not support the request as presented.

Discussion: Possible alternative locations for the entrance and exit.

Councilman Roff stated that he had experienced no difficulty entering and exiting at that property when it was a previous business.

Councilwoman Barnebey stated that she also had a problem with the location and exit onto Manatee Avenue.

MOTION TO APPROVE SU.05.0018 was made by Councilman Golden/Councilman Roff and failed 3-2 with Vice Mayor Gallo, Councilwoman Barnebey and Councilman Smith to deny.

Councilman Golden asked if the Council could reconsider SU.05.0018 if the location and exit concerns were addressed by the applicant.

Tim Polk stated he would meet with the applicant to see if the concerns could be worked out.

MOTION TO RECONSIDER SU.05.0018 was made by Vice Mayor Gallo/Councilman Smith and carried 5-0 for approval.

Vice Mayor Gallo requested the applicant to bring back a more professional drawing of the property plan and asked if a traffic count could be done on 12th Street East between Manatee Avenue and 6th Avenue East.

MOTION TO CONTINUE SU.05.0018 to the January 25, 2006 Council meeting was made by Councilman Golden/Vice Mayor Gallo and carried 5-0 for approval.

MA.05.0010 WARD 5 NEIGHBORHOOD 1.03 1.04 RS PUBLIC HEARING

Request of Fawley Bryant Architects, Inc., agent for William DeSue, Bradenton Housing Authority, owner, for Planned Development Major Amendment Application for the property located at 104 17th Avenue West. (Zoned R-3B)

The public hearing was opened, those in favor.

David Bishop, Fawley Bryant displayed renderings and gave a brief report of the proposed 36 unit senior housing facility to be built on the former Department of Motor Vehicle (DMV) site.

Discussion: Access into the site with an access easement.

Vice Mayor Gallo stated that when the development was first proposed, this facility was to be exclusively for seniors which would provide a reduced rate on parking with one-half parking per unit. He stated that HUD now stated that the facility could not be used exclusively for seniors.

Vice Mayor Gallo voiced his concern, that if this project was allowed with discounted parking ratio, it would set precedence for other developers to request the same.

Greg Jordon, Telesis Corporation, stated that the HUD process was a distinctly separate issue from their request to keep the facility to 55 or older with some flexibility. He stated that in the original HUD plan of 1999, Telesis committed to a certain number of senior housing units. To deviate from that plan now would likely cause the end of this project. He stated that Telesis was trying to balance the HUD regulatory issues with the Florida Housing Finance Corporation and must meet the requirements for occupancy to qualify for this tax credit phase by December 31, 2006.

General discussion: Increasing 26 parking spaces to 72 spaces needed for this facility.

Carl Callahan stated that it would be difficult to find 72 spaces, but by using the cross access easement, additional parking spaces could be provided.

Mr. Callahan recommended an additional stipulation, that when more details became available regarding more spaces, and then this issue come back before Council.

Rick Fawley, Fawley Bryant Architects, requested this issue be approved as presented for senior housing. If a certain unit may not be a senior unit, a revised plan to redesign the parking accommodations for the total Bradenton Village development could be addressed.

Tim Polk stated that he was comfortable with working with the Housing Authority and stated that Mr. Callahan's recommendation would make this concern work.

Lengthy discussion: Options to create more spaces.

Councilman Golden suggested a stipulation to accommodate the request as presented with 36 senior units utilizing the reduced ration for parking spaces and come back with a revised plan for four non-senior units with eight parking spaces.

Winston DeSue, the new Bradenton Housing Executive Director, stated that there was a need for senior housing, but if in the future, some of the units were not occupied by seniors, they would return to Council and address the issue at that time.

Greg Jordan requested to revise stipulation #8 to read: "To commit to 55 or older for a full outreach program for seniors coordinated with the city, and if this did not allow a fully occupied senior residence, then parking would be adjusted based on the additional tract of land to meet a certain to be determine number of units that would be non-senior."

Mr. Jordan stated that the residents would be seniors and second level people who were identified as: 1. Elderly whenever possible. 2. To be introduced to their neighbors. 3. Occupying a unit with the understanding that, should a senior need housing, a unit would be available to that senior.

Councilwoman Barnebey asked if anyone economically challenged or with rehabilitative needs, or individuals right off the street could occupy this facility. She stated that it was her understanding that HUD's requirement was that if a person was qualified for housing assistance then that person could reside in the senior housing facility.

Mr. Jordan answered this was correct.

Councilman Smith voiced his concern that this request was to approve the project first then negotiate the development issues later. He had concerns about parking spaces to accommodate the meeting room in the facility and setting precedence and parking restrictions for any future city developments.

Lengthy discussion: Stipulation #8 was for senior housing and that the Planning Commission set stipulation #8 to keep the facility for senior housing but that the final decision would be made by City Council.

Vice Mayor Gallo stated that the current senior housing facility could not now be filled by seniors and voiced his concern as to who would be filling these units.

Lengthy discussion: Additional parking and use of the adjacent city property.

Mayor Poston voiced his concern that the city had, in good faith given this property to the Housing Authority as there was a need for senior housing with adequate parking. He stated now parking had to be across the street and all the units weren't going to be for seniors.

Mayor Poston questioned that if there wasn't a need for senior housing, then what service was the city providing to the citizen's.

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

Tim Polk gave the Department of Development Services staff report and stated that the staff and Planning Commission recommended approval with the amended underlined stipulation #8 by the Planning Commission. Stipulations were as followed:

1. The architectural rendering submitted and identified as City of Bradenton Exhibit "O" was approved. Any change determined to be significant by the Department of Development Services Director would require a Major PDP amendment.
2. All standard parking spaces would be 9 x 20, or 9 x 18 with stops. Handicap parking would be 12 x 20 with a five-foot walkway.
3. Drive isles would be 24' wide.
4. Precise utility location would be at the discretion of the Public Works Department.
5. Proposed fencing along 1st Street would be of the same design and material as the existing fence.
6. The proposed porte-cochere would provide a 14-foot clearance minimum.
7. The exterior lighting plan for the senior housing amendment area would be the same as that existing within the Bradenton Village.
8. Since this was a senior housing facility, the leasing resident or their spouse must be 55 years or older.

Mr. Polk voiced his concern that from previous HUD experiences with other city's he would request a clarification from HUD and work with the Housing Authority to bring back a solution to Council and stated that he would work on the parking issues.

Tim Polk recommended to amended stipulation #8 to read as followed: The final parking design would be subject for approval by the Department of Development Services Director.

Discussion: Alternatives solutions for the senior housing facility.

Councilman Golden recommended amending stipulation #8 to read as follows: Since this was a senior housing facility, the leasing resident or their spouse must be 55 years or older in at least 32 units with appropriate parking for residents or their spouses under 55 and for any remaining units with appropriate parking for residents or spouses under 55. (Four units would require two spaces per unit.)

Councilman Roff stated he was proud of the Hope VI project and would support the motion.

Councilman Smith stated he would like to see more information from HUD and would not support the motion.

MOTION TO APPROVE MA05.0010 as recommended by the Department of Development Services staff and the Planning Commission with seven stipulations and with the amended stipulation #8 as recommended by Councilman Golden was made by Councilman Golden/Councilman Roff and carried 3-2 with Vice Mayor Gallo and Councilman Smith in opposition.

Meeting recessed at 12:08 p.m.

Meeting reconvened at 1:20 p.m.

MA.05.0011 WARD 1 NEIGHBORHOOD 4.07

PUBLIC HEARING

Request of Zoller, Najjar & Shroyer, L.C., agent, for Scott Clark, Lago Investments, owners, for approval of a Major Amendment to a Planned Development Project at 1401 Village Green Parkway. (Zoned PDP)

The public hearing was opened, those in favor.

Tom Mc Collum, agent for the applicant, requested 142 single-family homes on 42.13 acres of land yielding 3.37 units per acre as redevelopment of an existing golf course. He gave a brief overview of the development design to be a part of the Village Green communities.

Jesse Griffin, 1518 70th Street West, read a letter submitted by Roger Smith, President of Village Green Homeowners Association, which gave reasons why they were at first in opposition to the development and had requested changes in the plan as follows: 1) The number of homes

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would be reduced in number. 2) Larger homes and additional models would be included in the product mix. 3) An improved drainage design would be incorporated to prevent the co-mingling of on-site off-site drainage. 4) Provisions would be made for additional green space. 5) Extensive input would be solicited relative to the landscaping of the perimeter areas. In summary, the committee representing the Village Green community now supported the amended plan submitted to the Bradenton Planning Commission now called "Lago's Four Seasons at Village Green."

John Wohlhueter, 1501 72nd Street West, Vice President of the Village Green Association, gave a brief summary of the history of the planned development and stated that the association was in favor of the amended plan.

Glyn Oldham, 6802 18th Avenue West stated he was in favor of the amended plan.

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

Tim Polk gave the Department of Development Services staff report and stated that the staff recommended approval with seven stipulations and the Planning Commission recommended approval with one additional stipulation. They are as follows:

1. All trees proposed for installation would be a minimum of 2" DBH.
2. Install eyebrows at the mail kiosks on the north and south side of the development, and add two parking spaces to the recreational area.
3. Parking would be permitted on one side of the street only, and prohibited in the cul-de-sacs.
4. Public utilities and drainage would be designed to meet ~~Public Works~~ City of Bradenton specifications.
5. The architectural design of the recreation building would be compatible with the residential construction, and subject to the approval of the DDS Director.
6. To the maximum extent possible, the nature trail/walking path would be distanced from existing residences whose owners express discomfort with the location in close proximity to their property line. Additional landscape material would be installed to increase the visual buffer in these areas.
7. Architectural grade shingles would be required for all roofs.
8. Remove the landscape from the access easements on the north and south sides.

John Cumming requested to amend stipulation #4 as underlined.

Tim Polk stated that at the Planning Commission meeting he had asked to add an additional stipulation as follows:

9. That the developer meets with staff in regards to the final design of structures, subject to approval by the Department of Development Services Director.

Councilwoman Barnebey asked if the developer would add a crosswalk between the two islands.

Mr. McCollum stated that a crosswalk was a part of the plan.

Discussion: Not able to save any of the trees as the development would have to be graded and lowered for drainage.

Mr. McCollum stated that the trees were not in good shape and in the right location. He stated that hundreds of trees would be planted, with additional plantings if necessary, to ensure the survival of more trees and that the trees would be placed in the right location.

MOTION TO APPROVE MA.05.0011 as recommended by the Department of Development Services staff and the Planning Commission with nine stipulations as amended was made by Vice Mayor Gallo/Councilman Smith and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2814

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA PROHIBITING THE USE OF PUBLIC OR PRIVATE PLACES OUT-OF-DOORS FOR LODGING; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR VIOLATION AND ENFORCEMENT; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion: To place the first reading at the January 25, 2006 Council meeting.

FIRST READING OF PROPOSED ORDINANCE 2815

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA GRANTING A NON-EXCLUSIVE FRANCHISE TO VERIZON OF FLORIDA, INC., ITS SUCCESSORS AND ASSIGNS AND PROVING A CABLE FRANCHISE AGREEMENT FOR VERIZON OF FLORIDA, INC.; INCORPORATING WITHIN THIS ORDINANCE THE TERMS OF THE FRANCHISE AGREEMENT ALLOWING VERIZON FLORIDA, INC. TO OCCUPY MUNICIPAL STREETS AND RIGHTS OF WAYS AS A MEANS OF PROVIDING CABLE SERVICES INCLUDING THE VARIOUS TERMS, CONDITIONS AND PENALTIES FOR VIOLATIONS OF ITS PROVISIONS AND SEVERABILITY OF PROVISIONS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 25, 2006 was made by Vice Mayor Gallo/Councilman Golden and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

REQUEST BY Resource Connection for Kids to hold “Manatee’s Run for Children” fundraiser on Saturday, February 11, 2006 with the start/finish in front of the Twin Dolphin Restaurant on Barcarrota Boulevard, a street closure on 3rd Avenue West at the intersections on 10th Street and 12th Street, and running through Rossi Park before returning to the finish line.

REQUEST BY Family Resources to hold the “Run for Runaways” fundraiser on Saturday, March 18, 2006 with the start/finish in front of the Twin Dolphins Restaurant on Barcarrota Boulevard and running through Rossi Park before returning to the finish line.

Carl Callahan stated that as the events were presented, there were conflicts at the City Auditorium on both dates and with the Main Street Market. He stated that from prior public event requests, the Council had concerns with runs going through the city parking lot during events at the auditorium.

Tom Orehowsky gave a brief overview of the changes with a revised route for both the Resource Connection for Kids and the Family Resources walk/run events with the start/finish at 14th Street on Barcarrota Boulevard going under the Green Bridge through Rossi Park then under the DeSoto Bridge down Riverside Drive East, down 6th Street East turning around before Manatee Avenue and returning on the same route back to the start/finish line.

MOTION TO APPROVE the Resource Connection for Kids and the Family Resources walk/run with the revised route was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

REQUEST BY Larry Hibbs to hold the “Crop Walk” fundraiser on Sunday, February 26, 2006 with the start/finish in Rossi Park walking on the walkway over the Green Bridge to Palmetto and returning to the finish line in Rossi Park.

MOTION TO APPROVE the Crop Walk event was made by Councilwoman Barnebey/Councilman Smith and carried 5-0 for approval.

Chief Souders

BIG, BREATH, AND BARK

Chief Souders gave a brief overview of the Big, Breath and Bark campaign sponsored by the Manatee Club to provide recovery mask kits for dogs and cats and supplied for all fire trucks in Manatee County.

Chief Radzilowski

FORFEITURE FUNDS

Chief Radzilowski recommended purchasing a UNS Night Vision Scope for use by the Special Response Team, Crisis Negotiators and Safe Streets Unit. He stated this system would allow for the long rifle marksman to be able to operate at night and acquire a threat in low light conditions.

MOTION TO APPROVE the forfeiture fund request for purchasing a UNS Night Vision Scope was made by Councilman Golden/Vice Mayor Gallo and carried 5-0 for approval.

Tim Polk

FINAL REVISED 2002-03, 2003-04, 2004-05 ANNUAL SHIP REPORT AND BUDGET ADJUSTMENTS

Tim Polk gave a brief summary of a memorandum dated January 4, 2006 from Jeana Winterbottom, Grants Manager which advised that the revised SHIP Annual Report had been previously approved by Council December 14, 2005, however, the state had not finalized the entire report and made subsequent revisions of the same nature previously approved by the Council to 2004-05 portions.

Mr. Polk also stated that the memorandum requested budget adjustments for the Grants & Assistance Building Maintenance and Flood Mitigation Grant Award.

MOTION TO APPROVE the Final Revised 2002-03, 2003, 04, 2004-05 SHIP Report and the budget adjustments was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan:

REQUEST BY Mr. Callahan and John Cumming to surplus a piece of property located near the city's reservoir and to sell the parcel to the Morrison Homes and Windward Homes for the Silver Lakes Subdivision ZNS Job#00-36096. Mr. Callahan stated that \$92,250.00 was offered for the 1.23 acre, 15 foot perpetual drainage easement and 25 foot temporary construction easement.

Questions were asked and answers given regarding the surplus property.

MOTION TO APPROVE the request to surplus a piece of property located near the city's reservoir and to sell the piece for \$92,250.00 to Morrison Homes and Windward Homes was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

Chief Souders:

Staci Cross: Reported that the Pellet Grant for the OSSI CAD System had been denied. She stated she was working with Mr. Callahan to proceed with the funding for this much needed safety system.

Vice Mayor Gallo voiced his disapproval that the city was not receiving funds for the enhanced 911 system from Manatee County as the city was the entity which lobbied for this money.

Discussion: The city would be moving forward to fund this safety system.

Vice Mayor Gallo asked if the city could hold the county accountable for funds collected and the expense needed to maintain the 911 system.

Chief Souders stated he would look into this issue and advise the Council of his findings.

Chief Radzilowski: Nothing to report.

John Cumming: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: REQUEST TO authorize Mayor Poston to sign a Quit-Claim Deed for Thomas E. Carver, 1827 2nd Avenue East, Bradenton, Fl 34208 for property that he was not sure the city ever owned.

MOTION TO APPROVE the authorization for Mayor Poston to sign a Quit-Claim Deed for Thomas Carver was made by Councilman Golden/Councilman Smith and carried 4-0 for approval. Vice Mayor Gallo was absent from voting.

Carolyn Moore: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 2:45 p.m.

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