

APPROVED BY
July 28, 2004
CITY COUNCIL

**CITY COUNCIL MEETING
July 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 July 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 and Vice-Mayor and Councilman Ward V James T. Golden.

City Officials: Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, John Cumming, Public Works Director, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, Larry Frey, Development Services Director and 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 Pastor Jerry Hunter, Christ Community Church.
Flag salute was led by Councilman Smith.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR MAY 12, 2004.

No discussion followed.

Motion to approve the May 12, 2004 minutes was made by Councilwoman Weaver/Vice Mayor Golden carried 4-0 for approval. Councilman Gallo absent from the Chamber.

APPROVAL OF MINUTES FOR MAY 26, 2004.

No discussion followed.

Motion to approve the May 26, 2004 minutes was made by Councilwoman Weaver/Vice Mayor Golden carried 4-0 for approval. Councilman Gallo absent from the Chamber.

APPROVAL OF MINUTES FOR JUNE 9, 2004.

No discussion followed.

Motion to approve the June 9, 2004 minutes was made by Councilman Smith/Councilwoman Weaver carried 5-0 for approval.

APPROVAL OF MINUTES FOR JUNE 23, 2004.

No discussion followed.

Motion to approve the June 23, 2004 minutes was made by Vice Mayor Golden/Councilman Smith carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver was not present at this meeting.

PROCLAMATION:

BRADENTON FIREFIGHTER APPRECIATION WEEK

Vicki Berkowitz, District Director of Muscular Dystrophy Association and **Deputy Fire Marshall Kenneth Langston** accepted the proclamation and stated that the “Fill the Boot” drive would take place on August 20, 21, and 22, 2004.

PRESENTATION:

BRADENTON FIRE DEPARTMENT

Commendation – Fire Inspector Richard Findlay

Chief Souders presented a Certificate of Commendation to **Richard Findley** for his excellent investigation work regarding a vehicle fire insurance fraud.

Appreciation – Volunteer Larry Covins

Chief Souders presented an Appreciation Plaque to **Larry Covins** for his volunteer contribution of 200 plus hours for data entry and data corrections on the fire department computer system.

PUBLIC WORKS RECOGNITIONS

John Ormando recognized the following Public Works employees:

Employee of the Month - Robert Marlow, Garage, *Supervisor of the Quarter - Steven Moore*, Parks & Recreation, *Team of the Quarter - Lift Station Department- Dennis Bussell*, Superintendent, **Jim Martin**, Foreman, **Robert DeFlorio**, **Brian Clark**, **William Schenk**, and **Dave Sciarappa**.

GREAT-WEST HEALTHCARE 2004 INSURANCE RENEWAL

Tom Hayes, Agent of record with DesChamp’s Insurance and **Kelly Swanmann**, Account Manager with Great-West Healthcare gave a brief report of the 2004 Insurance Renewal Executive Summary, Proposed Plan Changes and Proposed Rates/Contributions.

The proposed renewal plan with changes would be effective October 1, 2004.

RECOMMENDATION by Councilwoman Weaver, Insurance Committee member on behalf of the committee to adopt the proposed Insurance Plan for 2004.

MOTION TO APPROVE the recommendation by the Insurance Committee for the 2004 Insurance plan effective October 1, 2004 was made by Councilwoman Weaver/Councilman Gallo carried 5-0 for approval.

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

PUBLIC COMMENTS:

No one came forward.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Acknowledged **Antonio Mendez**, in the audience, a Boy Scout working on his Communication Badge for an Eagle Scout Award with the Boys Scout of America.

Councilwoman Weaver, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Nothing to report.

Vice Mayor Golden, Ward V: Nothing to report.

Mayor Poston: Nothing to report.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

7a. PR-04-0004 WARD 4 NEIGHBORHOOD 1.01 RS PUBLIC HEARING

Request of Bernard M. Croghan, agent for City of Bradenton, owner for preliminary approval for a Professional Planned Development project on the property located at 233 3rd Street West. (Zoned PDP)

Public Hearing opened. Those in favor.

Bernard Croghan, The Croghan Company gave a brief summary of the Preliminary Professional Planned Development project known as "*Riverwalk Professional Park*".

Tom O'Brien, architect and **Bill Swan**, landscape planner addressed questions asked by the Council regarding the building and landscape design.

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 revised site plan dated July 9, 2004 which included the Planning Commission **(6) stipulations** as followed:

1. The applicant would provide a landscaped, banked parking plan for 33 spaces on Parcel A. Such spaces would not be paved and utilized without authorization from the Department of Development Services Director.

2. Any utility relocation required would be completed prior to issuance of any Phase 1 Certificate of Occupancy.

3. Dumpsters would be adjusted as necessary to provide maximum access for Public Works equipment. Additional landscape buffering would be provided around the perimeter of the dumpsters.

4. The landscape buffer with a continuous hedge would be extended along the north side of the property. The proposed tree plantings would be compatible with the Downtown Bradenton Master Tree Plan.

5. A complete signage plan including design and area calculations would be submitted prior to City Council approval.

6. Install a sidewalk from the Phase 1 building to 3rd Avenue West or 3rd Street West.

MOTION TO APPROVE the PR-04-0004 request as recommended by the Department of Development Services staff and Planning Commission with six stipulations was made by Councilman Smith/Councilwoman Barnebey carried 5-0 for approval.

7b. FIRST READING OF ORDINANCE 2763

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING THE PALMA SOLA TRACE COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES, SPECIFYING GENERAL AND SPECIAL POWERS OF THE DISTRICT; DESCRIBING THE BOUNDARIES OF THE DISTRICT; NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE ADMINISTRATION, OPERATION, MAINTENANCE, AND FINANCING OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR ACKNOWLEDGEMENT AND AGREEMENT BY THE PETITIONER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Callahan stated that this ordinance would be advertised four times prior to the second reading and final public hearing on August 25, 2004.

MOTION TO APPROVE the first reading and set the second reading and public hearing for August 25, 2004 was made by Councilwoman Weaver/Councilman Smith carried 4-0 for approval. Councilman Smith was absent from the Chambers.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

RESOLUTION 04-22

A RESOLUTION RE-APPOINTING LYNETTE EDWARDS TO THE CENTRAL COMMUNITY REDEVELOPMENT AGENCY FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

No discussion followed.

MOTION TO APPROVE Resolution 04-22 was made by Vice Mayor Golden/Councilwoman Barnebey carried 4-0 to approve. Councilman Smith was absent from the Chambers.

REQUEST BY Manatee High School Coach Tom Orehowsky permission to close a portion of 33rd Avenue Drive West through G.T. Bray Park, from 51st Street West to the Baseball Complex from 7:45 a.m. to 8:15 a.m. on Monday, September 6, 2004 for the Canes Cross Country Classic.

No discussion followed.

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

John Cumming

DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE REVOLVING FUND LOAN

1. Storm Water System Improvements
2. Wastewater System Improvements
3. Authorizing **RESOLUTION 04-23**

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, RELATING TO THE STATE REVOLVING FUND PROGRAM; MAKING FINDINGS; AUTHORIZING THE APPLICATION; AUTHORIZING THE AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

Claude Tankersly, Jones, Edmunds & Associates Engineers discussed the overall SRF program process, with a power point presentation, showing the 14th Street East Stormwater System Improvements and the proposed Wastewater System Improvements East Bradenton Water and Sewer Master Plan.

Mr. Tankersly gave a brief report with power point presentation on the 15th Street East drainage project.

MOTION TO APPROVE Resolution 04-23 was made by Councilwoman Weaver/Vice Mayor Golden carried 5-0 for approval.

WARES CREEK BRIDGES & SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) FUNDING

John Cumming gave a brief update on the Wares Creek Bridge and drainage project. He stated that SWFWMD had agreed to a 50/50 funding to secure a grant.

Claude Tankersly gave a brief scenario of the drainage project and funding associated with SWFWMD.

Larry Frey

RESOLUTION 04-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING VARIOUS FEES AND CHARGES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING APPLICATIONS FOR DEVELOPMENT PERMITS AND DEVELOPMENT ORDERS PURSUANT TO THE CITY'S LAND USE REGULATIONS.

Larry Frey gave a brief report on the various fee changes within the department and stated that Department of Development Services staff recommended approval of the resolution.

MOTION TO APPROVE Resolution 04-20 as recommended by the Department of Development Services staff was made by Councilman Smith/Councilman Gallo carried 5-0 for approval.

RESOLUTION 04-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING VARIOUS BUILDING PERMIT FEES AND CHARGES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING COMPLIANCE WITH STATE AND LOCAL BUILDING STANDARDS AND REQUIREMENTS PURSUANT TO THE FLORIDA BUILDING CODE AND ALL OTHER APPLICABLE BUILDING AND DEVELOPMENT CODES.

Larry Frey stated that this resolution made various building fee changes and stated that Department of Development Services staff recommended approval of the resolution.

MOTION TO APPROVE resolution 04-21 as recommended by the Department of Development Services staff was made by Councilman Smith/Councilwoman Weaver carried 5-0 for approval.

PROPERTY DEMOLITION – 217 22ND STREET COURT NE

Volker Reise, Code Enforcement Compliance Supervisor distributed photographs of a vacant empty shell structure located at 217 22nd Street Court NE.

He stated that **John Kelly**, Code Enforcement Inspector had been working on this code violation for over a year. Mr. Reise stated the violation concerns were first addressed in a letter dated July 23, 2003 from John Kelly to the property owner. Tony Assha, who had previously worked on this case prior to retiring, had met with the property owner several times when the work commenced and was never finished.

Mr. Reise stated that they had maintained an updated Ownership and Encumbrance (O & E) Report and notified the parties of interest. However, one of the parties would not pick up their mail; therefore a legal notice had to be run in the Bradenton Herald.

Mr. Reise requested approval from the Council to demolish the property as the empty shell partially built building with very little interior walls was an eye sore in the neighborhood and a safety hazard for young children.

Discussion: Cost of the demolition would be an estimated \$10,000 because it was a large concrete structure with approximately 2,500 square feet interior.

Mr. Reise stated in the beginning the property owners had stated they would complete the structure and was granted more time. He stated that presently the property owners would not respond to phone inquiries or mail.

Mr. Reise stated that the July 23, 2003 letter from John Kelly, a 30 day fix up or tear down letter, was written after there were several complaints from the neighbors regarding the condition of the structure.

Councilman Smith stated that the photographs depicted what could be a fairly nice looking house if completed. He asked if there were some other means to save the house such as the property being sold or someone else finishing the construction.

Bill Lisch stated that the process would have to go through the Code Enforcement Board which could take quite some time and that a lien could be placed on the house with perhaps a foreclosure. However, there were no means to force the property owners to complete the building.

Ken Gano, Building Official stated that there were repeated violations of having construction done before inspections were completed. The filled cells in the lintel were all poured without benefit of any inspection and work was done beyond the scope of the home owners permit. Three courses of block were placed completely around the structure and living space was added to one of the bedrooms which was not part of the permit.

Discussion: It was stated that it would take an engineer to exam the property to verify that all the work was up to code.

Councilwoman Barnebey confirmed Mr. Gano's statement that the property owner received a permit to build a certain structure, then along the way started to expand the boundaries of the permit without calling for inspections and ignoring the contacts from the city.

Mr. Gano answered yes and stated that the original permit was started in 2001 to the current owner to add an addition on the rear of the structure and a small addition to the front. He stated that this had not been completed and the permit expired. He then sold the structure to someone else and then took the structure back early last year and at that time pulled a permit to finish the work. Mr. Gano stated the owner did not do the work but the work the owner did was done without inspection.

John Kelly, Senior Code Officer stated that in response to the initial letter the owner obtained permits to renovate the structure and that the permits were good for six months.

Larry Frey stated that this property had been vacant for along time with no inspection by the building division and that there were safety concerns and created an attractive nuisance.

Mr. Frey stated the demolition process would probably take 30 days to complete the required legal procedure.

Discussion: Concerns for children safety and illegal mischief. Placing caution tape around the property until the demolition could be completed.

Bill Lisch asked if there was anyone in the audience by the name of T. R. Weigel or any other parties wishing to speak on this issue to please come forward. No one came forward.

Councilman Smith stated as a builder by trade he did not like the idea of demolishing what could be a benefit to the neighborhood, however after receiving the information heard today it would be difficult for someone else to meet the requirements and to complete the structure in a suitable and cost effective manner. In the interest of the neighborhood and the fact that this concern has been on-going for quite sometime he would support to demolish the building.

Councilwoman Barnebey stated that she had concerns for the safety of children in the neighborhood. She stated that Mr. Gano's testimony stated that the structure would be

difficult to complete and could be very costly to improve under building code standards. She would support the request to demolish the structure.

MOTION TO APPROVE the request to demolish the structure located at 217 22nd Street Court NE with the testimony presented by John Kelly and Ken Gano was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION NO. 04-24 **PUBLIC HEARING**
A 2004 RESOLUTION CONTINUING 1990 ENVIRONMENTAL ASSESSMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; FINDING OF VALIDITY OF FONSI PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 04-25 **PUBLIC HEARING**
A RESOLUTION ADOPTING CITY OF BRADENTON, FLORIDA CONSOLIDATED PLAN/ONE YEAR ACTION PLAN AND PROJECTED USE OF FUNDS FOR 2004-2005 PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 04-26 **PUBLIC HEARING**
A RESOLUTION AUTHORIZING FILING AND EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS APPLICATION BY MAYOR FOR FISCAL YEAR 2004-2005; PROVIDING AN EFFECTIVE DATE.

Jeana Winterbottom, Grants & Assistance Administrator gave a brief report on the Community Development Block Grant Program. She stated the program objectives were to improve existing housing conditions, provide public assistance and provide programs to improve and upgrade the living environment for low, very low, and moderate income persons.

She recommended approval of the program and requested approval of Resolution 04-24, Resolution 04-25 and Resolution 04-26.

Discussion: Funding for the program.

Lengthy discussion: 13th Avenue Community Center commitment for the center expansion.

Lengthy discussion: Grant funding for the Homeless.

MOTION TO APPROVE Resolution's 04-24, 04-25 and 04-26 as recommended by Jeana Winterbottom was made by Vice Mayor Golden/Councilwoman Barnebey and carried 5-0 for approval.

Chief Souders

REQUEST TO SURPLUS:

- Engine 31 - 1991 Emergency One Quick/Attack Pumper**
- Engine 14 - 1981 Emergency One Pumper**

Chief Souders requested to surplus two fire engines and to donate Engine 41 to the Manatee County School Board.

Discussion: To donate Engine 31.

MOTION TO APPROVE the request to surplus fire engines 31 and 14 was made by Vice Mayor Golden/Councilwoman Weaver carried 5-0 for approval.

MOTION TO APPROVE the request to donate Engine 14 – 1981 Emergency One Pumper to the Manatee County School Board was made by Vice Mayor Golden/Councilwoman Weaver carried 5-0 for approval.

Chief Radzilowski

LOCAL LAW ENFORCEMENT BLOCK GRANT AWARD ACCEPTANCE FOR 2004-2005

Chief Radzilowski requested approval for the \$26,000 grant award and to ensure that the cash match of \$2,984 was in the 2004-2005 budget.

MOTION TO APPROVE the request for the Local Law Enforcement Block Grant Award was made by Councilman Gallo/Councilman Smith carried 5-0 for approval.

NATIONAL NIGHT OUT - AUGUST 3, 2004

Chief Radzilowski requested to use city property next to the shuffle board courts on 9th Street and to close Ballard Park Drive from 15th Street to 17th Street for a National Night Out event.

Mayor Poston stated that this event would include the 14th Street Business owners, Wares Creek and Ballard Park neighborhoods.

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

DEPARTMENT HEADS:

Carl Callahan: Stated that a citizen, in the audience, had some concerns which needed to be addressed to the Council this evening.

Benjamin Haak, owner of Ultimate Power Sports located on Palma Sola Causeway had his business next to the old Bongo's Restaurant. He stated he was asked by Bongo's to move his business off their property. He stated that he moved his business over ten feet on city property and had been given a code violation.

Mr. Haak requested to repeal the code violation and stated that Mr. Williams, the property owner, gave approval to move his business back on Bongo's property and that he could stay there until his occupational license expired September 30, 2004.

Mr. Frey stated that Department of Development Services staff could amend the violation per Council's approval.

Discussion: Mr. Haak had complied with the Code Enforcement violation by moving off of City property. **No action was needed.**

Mr. Callahan stated he would take care of this situation as it was an Occupation License issue.

Mr. Callahan asked the Council to meet after the end of this meeting to discuss the last phase of the Firefighter negotiations.

Council agreed to meet after the meeting.

Mr. Callahan stated he would be requesting a workshop in the near future to discuss the tentative millage rate.

Chief Souders: Announced that he would be attending the Florida Fire Chief's Conference and would be the first Vice-President of Florida Fire Chief's Association (FFCA).

Staci Cross: Gave a brief update on the Eden System stating they were currently implementing the Utility Systems.

In the near future the Information Technology Department would be implementing a special assessment module to handle liens with the city.

She stated that there were continuing problems with the wireless network in relationship to the weather.

She stated that she was currently reviewing to update the phone service systems.

Chief Radzilowski: Announced that there would be a promotional ceremony Friday, July 16, 2004 at 10:00 a.m. in the Council Chambers.

John Cumming: Stated work had begun at the waterfront property driving in 20 test pilings to determine pile lengths for the buildings to be placed there.

He stated that the current owner of the "Old City Hall" on 15th Street was giving the City all the old exterior City Hall lights to be used in other areas.

Vice Mayor Golden stated that a fence at the Martin Luther King Park was down and asked when the fence could be repaired.

Mr. Cumming stated he would check on this issue but stated that the fence would probably be removed and not placed back.

Vice Mayor Golden asked about the 1st Street and 13th Avenue intersection improvements regarding the placement of bricks.

Mr. Cumming stated that Florida Department of Transportation - FDOT had not responded to John Ormando's letter regarding this issue.

Larry Frey: Reported on the Glazier Gates Park landscape improvements.

He stated that an Urban and Forestry Grant had been recently awarded to the City for approximately \$28,000 to be used for flood mitigation.

He reported that he received a full scholarship from the Environmental Protection Agency - EPA for contaminated property training.

He announced that there were several opening on various boards and encouraged the citizen's to submit an application for any of these openings.

Bill Theroux, Executive Director of the Downtown Development Agency gave an update of a study for revitalization on 14th Street. He stated a report needed to be done focusing on the 14th Street businesses and surrounding areas.

Lengthy discussion: Following the bidding procedure for consultants.

Mr. Frey stated that this issue would be placed for bid and would come back with recommendations as soon as possible.

Discussion: To bring back the recommendation at the August 11, 2004 Council meeting.

Bill Lisch

RESOLUTION 04-27

A RESOLUTION APPROVING FLOOD MITIGATION PROGRAM APPLICATION TO AUTHORIZE MAYOR POSTON AS THE AUTHORIZED OFFICIAL TO COMPLETE AND SIGN ALL APPLICATIONS PROVIDING FOR AN EFFECTIVE DATE.

No discussion followed.

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

Mr. Lisch stated he would be attending the annual Municipal Attorney Seminar in Marco Island.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 12:30 p.m.

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