

**CITY COUNCIL MEETING
March 10, 2010**

APPROVED BY
March 24, 2010
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 March 10, 2010 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Vice Mayor and Councilman Ward V Harold E. Byrd, Jr.

City Officials: Carl Callahan, City Clerk and Treasurer/Chief of Staff; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; and Carolyn Moore, Human Resources Director.

Press: The Herald and The Bradenton Times.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Pastor Don Sturiano, Kingdom Life Christian Church and Chaplain for the Bradenton Police Department.
Pledge of Allegiance was led by Mayor Poston.

Staci Cross, Information Technology Director was excused from the meeting.

PRESENTATIONS

SARASOTA BAY ESTUARY PROGRAM

Mark Alderson, Executive Director of the National Estuary Program, presented a video created by the Environmental Protection Agency on the status of the Gulf of Mexico.

Sarah Petroski, Public Outreach and Education Coordinator, displayed the Sarasota Bay Interlocal Partners and Citizen Organization's first place trophy in the Partnership Category for the "Gulf Guardian Award."

Ms. Petroski stated this award was for everyone in Manatee and Sarasota Counties involved with the Sarasota Bay Estuary Program. She stated the award had been presented to the Sarasota Bay Estuary Program by the US Environmental Agency at the Oceans 2009 Conference at Biloxi, Mississippi.

WALKABLE AND LIVABLE COMMUNITIES INSTITUTE

Tim Polk introduced Dan Burden, Executive Director of the Walkable and Livable Communities Institute, an internationally recognized authority on bicycle and pedestrian facilities and programs, livability, sustainability and Smart Growth.

Dan Burden gave a PowerPoint Presentation on Building Healthy Livable Communities and gave a short overview of how Walkability, Sustainable Transportation and Land Use would help build better cities for the future. He stated the goals were to build towns for people and not so much for automobiles.

When asked what stood out most in the City of Bradenton, Mr. Burden replied that the waterfront was the city's "Stream of Gold" and would allow everything else to prosper around it.

Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS

No one came forward.

CONSENT AGENDA

- a) Minutes of February 10, 2010.
- b) Minutes of February 24, 2010.
- c) **REQUEST** by Anna Pohl, Realize Bradenton Events Manager, to extend the Farmers' Market hours on April 10, 2010 from the usual hours of 9:00 a.m.–2:00 p.m. to 9:00 a.m.–5:00 p.m. to participate in EcoFest.
- d) **MB.10.0042** - Request for one-year extension of time for The Villas at San Lorenzo, 209 48th Street Court East.

Mr. Callahan stated Item c would include approval of a request to hold EcoFest on Saturday, April 10, 2010 on Old Main Street with access maintained on 3rd Avenue to allow access to the Courtyard Apartments.

MOTION TO APPROVE the Consent Agenda Items a–d and include approval of EcoFest was made by Councilman Roff, seconded by Councilwoman Barnebey and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SA.09.0019 WARD 2 NEIGHBORHOOD 12.02 RS **PUBLIC HEARING**

Request by Episcopal Day Private School, owner; Robert Lombardo of Lombardo, Foley and Kolarik, agent, for a Special Use Amendment for relocation of the ball fields, football field, track; and installation of field lighting and an electronic scoreboard at 315 41st Street W. (zoned R1B and C-3).

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

Bob Lombardo, Consulting Engineer, stated the special use was for lighting and an electronic scoreboard (Jumbo Tran) and some minor modifications to the approved preliminary site plan. He introduced the following presenters to give brief overviews of their expertise:

Jan Pollen, head of St. Stephen's School, gave an overview of the history of the school and how the school had grown to include a football team. She stated that keys had been distributed throughout the neighborhood to access the fields for public use.

Mike Bryant, Foley and Bryant Architects, gave an overview of the existing campus and the proposed design feature amendments.

Bill Stewart, Stewart Professional Engineering gave a PowerPoint overview of the proposed highly engineered sound system that would identify sound throughout the athletic fields and adjust automatically.

Karl Severance, Musco Lighting, gave a PowerPoint overview of the top of the line lighting system and reflector design; an evolution of light control with reduced spill and glare.

John Moody, Moody and Associates, gave an overview of the landscape design conserving as many large oaks as possible and the proposed buffer to surround the sport fields.

Stan Brown, Head Football Coach; **Pierre Cook**, Assistant Football Coach; **Susan Carrington**, **Lorraine Jackson**, **Jeff Boyd**, and **Hugh Miller**, gave brief statements that night games would be beneficial because they would prevent the players from having to play during the extreme heat of the day and would also allow working parents to attend the games. They reiterated that sports are an important part of high school and referred to the FHSAA Football Manual which stated that schools must have adequate facilities to host state series games. They stated that St. Stephen's School was a highly recommended school with significant economic impact on businesses in the community.

Those in opposition, please come forward.

Biff Craine, Legal Counselor for the surrounding residents, **Jackie Heffner**, **Britt Williams**, **Christa Kotter**, **Laurie Zimmerman**, **Mike Toomy**, **Mary Gallen**, **Elaine Cullus**, **Lloyd Van Winkle**, **Cindy Gerstenberger**, **Bob Darsey**, **Steve Kotter**, and **Lars Hefner** voiced their opposition to the stadium lights, the public address system, the large Jumbo Tran (scoreboard), and expressed concerns about high traffic volume and noise that would hinder their quality of life. They stated that most of the houses surrounding the athletic fields were historic structures which had been in existence a lot longer than the school. They were not happy that St. Stephen's had been continuously changing the site plan without notification to the residents. They voiced their disapproval that Dr. Sugg's donation of this property for public use was not being honored and that a promise had been made by the school in the very beginning stating that absolutely there would "Never be lights - ever". Now the neighbors were hearing that "change was inevitable" and how it would benefit the students. They stated that this was no change, as it would be permanent to the residents who would have to endure this situation day and night.

In rebuttal, **Bob Lombardo**, **Jan Pollen**, **Bill Stewart**, and **Karl Severance** addressed the concerns of the residents that the athletic fields were track and football fields not a stadium. They stated that the scoreboard would be positioned properly and that additional trees would be planted to help buffer the noise. They also said that, once the school had heard the neighborhood concerns, they had changed the planned emergency access to save more trees.

General discussion: The average use of night lighting would be one to two times per week with no anticipated night practices with the possible exception of a playoff game. The sound design would meet the city's Comprehensive Plan requirements. The city adopted the Manatee County Code for lighting providing .2 foot candles. The sound system was state-of-the-art and engineered for a smooth broad sound with no blast.

Greg Porges, law firm representing St. Stephen's School, gave a brief history of Dr. Sugg's intentions for the use of the 8.2 acre property. He stated the property had been offered to the county, but had been declined. He stated the property, by court order, was to be used by private citizens. In 1971, another court order donated the 8.2 acres to the school as custodian of the property. In 1993 the courts moved that athletic fields, such as tennis courts, football, and baseball fields could be accessed for public use.

The public hearing was closed.

Tim Polk gave the Planning and Community Development report with staff recommendation for approval with seven (7) stipulations as follows:

1. The maximum pole height would not exceed 60 feet.
2. The illumination shall be down shielded in order to ensure that illumination was only broadcast to necessary areas, and would not escape upwards or over to off site locations, including onto adjoining properties. Wattage shall be the minimum necessary to sufficiently light the field. To the extent possible, based on the reduced pole height, lighting specifications shall be consistent with the photometric plan submitted with this request, and

shall ensure that the lighting shall not spill onto the abutting properties through the use of down shielding and orientation of the luminaries.

3. A timer system shall be designed and incorporated into the plan that shall allow for programming of the lights with automatic shut off capability.
4. The applicant shall install clear and visible signage that identifies the contact information for the department that would handle any complaints regarding operation of the illumination of the ball fields and any other potential light-related complaints
5. The PA system utilized for scheduled games requiring lighting would be limited to public announcements such as general spectator safety advisories, player introductions, game status updates, pre-game and half-time announcements. The PA system would not be utilized for any night practices.
6. This approval was granted on the condition that practices and sports events shall conclude prior to 10 p.m. with the exception of no more than nine (9) scheduled football games for which the time shall be extended to 11:00 p.m.
7. The landscape buffers along 37th Street adjacent to the Locker Rooms and Maintenance Building, and south of the proposed south side parking areas would be redesigned to provide additional protection to the residential properties to the south and east. The buffering would be subject to the approval of the PCD Director, and would include 5 to 7 inch DBH oak trees, and understory trees, as well as a hedge and other landscape materials suitable for the buffer.

PLANNING COMMISSION RECOMMENDATION (February 17, 2010): APPROVAL with one additional stipulation as follows:

8. Prior to the issuance of any site improvement or building permits, the cross access easements shall be provided and recorded in accordance with the terms of the reciprocal easement. Plans for improvements to the land area in front of the middle school would be submitted to the Planning and Community Development Department along with the proof of recording of said easements.

After the public hearing the applicant provided a revised landscape plan showing additional trees saved, additional trees to be planted, and an increase in tree size from 2" diameter at breast height dbh to 5" dbh. (in compliance with stipulation #7.)

Also submitted was a revised, recorded cross access easement and a revised plan for the land in front of the middle school (in compliance with stipulation #8.)

The revised staff stipulations eliminated stipulations #7 and #8 and included a new stipulation #7 as follows:

7. The Landscape Plan as depicted in "City of Bradenton Exhibit Q" was the approved plan.

Councilwoman Barnebey referred to a previous request made by Bradenton Christian School regarding lights and stated that the St. Stephens School plan presented today gives the surrounding neighborhood far more protection. She stated that the light studies and sound system upgrades assured that the concerns of the neighborhood were being met and taken seriously. Councilwoman Barnebey stated she had a big concern for children playing and practicing in the extreme afternoon heat and dying from heat stroke.

Councilman Smith stated that St. Stephen's School had taken positive steps to assure the surrounding community a top-of-the-line light and sound system. The school had given them access to the fields for public use. He stated there were no significant levels of tree removal. He stated that St. Stephen's was being punished for continually modifying the plans when they were actually trying to address the concerns of the neighborhood.

Councilman Roff stated that the school was an economic asset, not only to the neighborhood, but to the entire community. Councilman Roff asked St. Stephen's School to take the extra steps to make sure that the school continued to be good neighbors and thoughtful of the neighborhood concerns.

Councilman Gallo voiced his concern regarding the scoreboard, but decided that as there was no audio in the scoreboard, he would support the motion. He stated that sports was a good way to keep youths active and out of trouble.

Vice Mayor and Councilman Byrd stated that the school and the neighborhood was beautiful, and he hoped and prayed that they would work together as a community.

Vice Mayor and Councilman Byrd stated that looking beyond all the high technical systems it would cause more usage of the fields which would cause an adverse effect with expanded use, making the special exception request incompatible with what the neighborhood was accustomed too. He would not be supporting the motion.

MOTION TO APPROVE SA.09.0019 request with the Planning and Community Development staff and Planning Commission recommendation with all of the stipulations as read by Mr. Polk was made by Councilwoman Barnebey seconded by Councilman Smith and passed 4-1 for approval. Vice Mayor and Councilman Byrd in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

RESOLUTION 10-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, VACATING A CERTAIN 5 FOOT EASEMENT LEGALLY DESCRIBED AS ALL OF THAT CERTAIN 5 FOOT WIDE EASEMENT LOCATED ALONG THE REAR LOT LINES OF LOTS 9 THROUGH 14, AND ALL OF THAT CERTAIN 5 FOOT WIDE EASEMENT LOCATED ALONG THE REAR LOT LINES OF LOTS 15 THROUGH 20, BOTH SAID EASEMENTS EXTENDING FROM THE WESTERLY RIGHT OF WAY LINE OF BAY STREET, NOW KNOWN AS 24TH STREET EAST, TO THE EASTERLY RIGHT OF WAY LINE OF HARRISON STREET, AS PER PLAT OF SOUTH AVENUE PARK, RECORDED IN PLAT BOOK 4, PAGE 124, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. ALL LYING AND BEING IN SECTION 18, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

Bill Lisch stated that during a title examination of Norma Lloyd Park, a 5 foot easement currently under the building had been discovered. He recommended approval of Resolution 10-10 to correct this issue.

Councilwoman Barnebey stated her husband was the legal counsel representing the United Community Center, she would abstain from voting.

MOTION TO APPROVE RESOLUTION 10-10 with the recommendation made by Bill Lisch was made by Vice Mayor and Councilman Byrd seconded by Councilman Roff and passed 4-0 for approval. Councilwoman Barnebey abstained from voting.

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Carl Callahan

**RESOLUTION 10-11**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, EXTENDING THE TEMPORARY CESSATION OF THE IMPOSITION OF IMPACT FEES FOR PARKS AND RECREATIONAL IMPROVEMENTS, FOR PUBLIC SAFETY IMPROVEMENTS AND FOR ROAD IMPROVEMENTS; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated by passing Resolution 10-11 the temporary cessation of the imposition of Impact Fees would be continued from April 1, 2010 to March 31, 2011.

**MOTION TO APPROVE RESOLUTION 10-11 was made by Councilman Roff seconded by Councilman Gallo and passed 4-1 for approval with Councilwoman Barnebey in opposition.**

### COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Nothing to report.

**Councilwoman Marianne Barnebey, Ward II:** Invited everyone to the Manatee Players Divo's talent review Sunday, March 14, 2010, Tickets are, \$20.

**Councilman Patrick Roff, Ward III:** Reported that the Realize Bradenton flyers announcing the Village of the Arts event were distributed at a Pirates game which encouraged a number of visitors to check out what the village was all about.

Councilman Roff announced that on Friday, April 16, 2010 a symposium for regional leaders would be held at the Tampa Convention Center inviting them to join the ONE BAY Initiative targeting Livable Communities. He stated registration was free and pre-registration was required. He encouraged elected officials to attend.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Vice Mayor and Councilman Harold Byrd, Jr., Ward V:** Nothing to report.

**Mayor Wayne Poston:** Announced that the night baseball game would be held tonight at McKechnie Field. He stated with the new State League starting April 8<sup>th</sup> there would be numerous night games. He invited those who would like to check out the stadium lighting which had been installed by Musco Lighting to come to one of the night games.

**Mike Cox,** Utility Billing Director, gave a brief overview of the different options available for citizens to pay their water bill: by US Mail by stamp, a drop box outside City Hall, payment in person at City Hall, automatic bill payment through your bank, and on-line bill payment through the city's website.

He stated automatic on-line bill pay options were being encouraged in an advertising campaign featured on the city's water trucks, on posters in the lobby of City Hall lobby and by buttons worn by the UB clerks and cashiers.

Mr. Cox stated the city had contracted with AMSCOT to make arrangements for citizen's to pay their water bills at AMSCOT sites for the fee of \$1.00 per payment.

Mr. Cox stated he receives phone calls daily as to why customers were still getting paper water bills. He stated plans were in the works to offer a paperless option for customers to receive bills by e-mail by this Labor Day.

### DEPARTMENT HEADS

**Carl Callahan:** Nothing to report.

**Chief Souders: REQUEST TO DISPOSE OF 11 SECTIONS OF UNUSABLE 5" FIRE HOSE which no longer meet the required standards if repaired.**

No further discussion.

**MOTION TO APPROVE the request by Chief Souders to dispose 11 sections of 5" fire hose was made by Vice Mayor and Councilman Byrd, seconded by Councilman Roff and passed 5-0 for approval.**

**Carolyn Moore:** Nothing to report.

**Chief Radzilowski:** Reported that Sergeant Ronald Truluck who had been with the police department for 13 years would be moving to Columbia, South Carolina to assume a position as the Deputy Sheriff.

**Claude Tankersley:** Reported that John Cumming, former Public Works Director, was doing well after recently having open heart surgery.

Mr. Tankersley stated that Carl Taylor would be retiring next Friday, March 19, 2010. He stated he was currently taking applications but would take his time and wanted to pick the right person to fill this position.

Mr. Tankersley stated that there was a lot of exaggerated talk regarding the proposed new EPA rules setting new criteria standards. He encouraged anyone with questions to please contact him to discuss this matter.

Mr. Tankersley stated he had met with Dan Burden and liked what he had to say regarding traffic flow, and bicycle and pedestrian paths. He stated that the city would have to come up with creative ways to fund and move forward with "Complete Streets."

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

**Staci Cross:** Excused from the meeting.

#### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 12:13 p.m.

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