

**CITY COUNCIL MEETING
August 16, 2006**

APPROVED BY
September 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 August 16, 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 and Councilman Ward IV Bemis Smith.

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 Herb McMillian, First Church of the Nazarene.
Flag salute was led by Mayor Poston.
Councilman Ward V James T. Golden was excused from the meeting.

PROCLAMATIONS

Tribute to Heroes Day – September 11, 2006

PRESENTATIONS

BRADENTON FIRE DEPARTMENT RECOGNITION

Fire Battalion Chief Gary Watson presented to Bradenton Police **Sergeant Josh Cramer** the “Life Saving Pin” for his heroic act of saving a small child from a near drowning incident.

BRADENTON POLICE DEPARTMENT

Chief Radzilowski sadly announced the passing of Traffic Sergeant Tyler Matthews and stated that funeral services would take place Friday, August 18, 2006.

1. C.A.L.E.A. Accreditation

Chief Radzilowski, on behalf of the Bradenton Police Department, presented a plaque to Mayor Poston announcing that the police department had received the full national Commission Accreditation Law Enforcement Agency, Inc. (C.A.L.E.A.) designation which required the maintenance of 375 professional standards.

Chief Radzilowski stated that the Bradenton Police Department was the 31st agency out of 298 municipal agencies, and only 5% of national agencies, which had received this high designation.

2. Swearing In of New Officers

Mayor Poston, as Police Commissioner, gave the oath of office to **Officer Jay Titen, Officer Michael Page, Officer Todd Freed, Jr., Officer Troy Masterson, and Officer Kenneth R. Grover.**

PUBLIC WORKS EMPLOYEE RECOGNITION

Employee of the Month: **Marion Fuller**, Solid Waste Department.

COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATION SERVICES

Julie Johnston, certified planner and consultant for Wade – Trim, gave a brief overview of her qualifications and her mission to assist the City of Bradenton with the administrative services of the CDBG.

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

CITIZEN COMMENTS

Judy Neff, 9629 18th Avenue Circle Northwest, requested that Council create an ordinance to give restaurants the choice to decide whether they would allow patrons' dogs within certain designated outdoor portions of public food service establishments. She distributed a list of 20 restaurants that stated they would welcome the idea of allowing the dogs in outdoor portions of their restaurants.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Thanked Mayor Poston for the opportunity to attend the Florida League of Cities conference held in Jacksonville.

Councilwoman Marianne Barnebey, Ward II: Stated that she had received several phone calls regarding speeding in school zones and that police officers would be out to enforce the speed limits in these zones.

Councilman Patrick Roff, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Commented on a newspaper article regarding the Riviera Southshore development that was to come before Council in today's meeting. He stated the article said that the Chairman of the County Commission had commented that, should Council approve the development, the county would have no choice but to file a lawsuit against the city.

Councilman Smith stated that a letter had been received from the county stating that the city was not upholding the spirit of the Accord, when the county (with taxpayer's money) had purchased a house within the development area for the sole purpose to acquire standing should this development be approved. Councilman Smith stated that this threat by the county to sue the city was not in keeping with the spirit of the Accord.

Councilman James Golden, Ward V: Excused from the meeting.

Mayor Wayne Poston: Nothing to report.

CONSENT AGENDA

Approval of Minutes of July 19, 2006

Norma Lloyd Park FRDAP Grant

Councilwoman Barnebey stated that due to her absence at the July 19, 2006, meeting she would abstain from voting.

MOTION TO APPROVE THE CONSENT AGENDA consisting of the Minutes of July 19, 2006 and the Norma Lloyd Park FRDAP Grant was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 3-0 for approval. Councilman Golden excused from the meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

CP.06.0015 WARD 4 NEIGHBORHOOD 20.03 RS

Request of Marla Hough, agent for RMC Partners, Ltd, owner, for Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from County ROR to City Commercial for property located at 4455 SR 64 East.

FIRST READING OF PROPOSED ORDINANCE 2839

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 4455 SR 64 EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.06.0015) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY ROR TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2839 for September 13, 2006 was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 4-0 for approval. Councilman Golden excused from the meeting.

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**LU.06.0030 WARD 4 NEIGHBORHOOD 20.03 RS**

Request of Marla Hough, agent for RMC Partners, Ltd, owner, to change the Land Use Atlas designation from County GC to City C-3 for property located at 4455 SR 64 East.

**FIRST READING OF PROPOSED ORDINANCE 2840**

*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 COUNTY GC TO CITY C-3 FOR THE PROPERTY LOCATED AT 4455 SR 64 EAST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2840 for September 13, 2006 was made by Councilman Smith/Councilman Roff and carried 4-0 for approval.** Councilman Golden excused from the meeting.

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LU.06.0032 CITY OF BRADENTON MM

Request of City of Bradenton for text amendments to the City of Bradenton Land Use Regulations relating to the Architectural Review Board and Design Compatibility Review.

FIRST READING OF PROPOSED ORDINANCE NO. 2844

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 ADD NEW LANGUAGE RELATING TO THE ARCHITECTURAL REVIEW BOARD (ARB) AND DESIGN COMPATIBILITY REVIEW AND THE REGULATION THEREOF; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2844 for September 13, 2006 was made by Councilwoman Barnebey/Vice Mayor/Councilman Gallo and carried 4-0 for approval. Councilman Golden excused from the meeting.

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**LU.06.0031 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of Roy Fairbrother, agent for Yaron Divald, owner, to change the Land Use Atlas designation from R-1B to PDP for property located at 1201 27<sup>th</sup> Street East.

**FIRST READING OF PROPOSED ORDINANCE NO. 2845**

*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-1B to PDP FOR PROPERTY LOCATED AT 1201 27<sup>TH</sup> STREET EAST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2845 for September 13, 2006 was made by Councilman Smith/Councilman Roff and carried 4-0 for approval.** Councilman Golden excused from the meeting.

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SECOND READING OF PROPOSED ORDINANCE NO. 2843 **PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING AND RESTATING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR DOMESTIC RELATIONS ORDERS, RETIREE DIRECTED PAYMENTS, EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE; FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR PURCHASE OF CREDIT FOR MILITARY SERVICE PRIOR TO EMPLOYMENT; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS AND ELIMINATION OF MANDATORY DISTRIBUTIONS; PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR FAMILY AND MEDICAL LEAVE TIME; PROVIDING FOR PURCHASE OF CREDITED SERVICE FOR PRIOR FIRE SERVICE; PROVIDING FOR REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR A DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

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

Vice Mayor/Councilman Gallo requested to revise a clause in the ordinance to permit past firefighters widows who were receiving a pension, then perhaps remarry, the widow would continue receiving the pension. He requested that this clause be retroactive for the current retirees.

Captain Tom Woods, Fire Pension Board Administrator stated that the Fire Pension Board had previously discussed this issue. He stated that he would again bring up this issue as requested by Vice Mayor/Councilman Gallo at the next board meeting.

Douglas Lozen, Foster and Foster, Inc. stated that there would be no cost to remove the current language and amend the ordinance.

Mr. Callahan gave a brief overview of the revisions with the changes made by the IRS and on the DROP program and recommended approval of Ordinance 2843.

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

MOTION TO APPROVE Ordinance 2843 as recommended by Carl Callahan was made by Vice Mayor/Councilman Gallo/Councilwoman Barnebey and carried 4-0 for approval. Councilman Golden excused from the meeting.

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**RV.05.0008 WARD 4 NEIGHBORHOOD 7.03**

Request of WilsonMiller, agent for Riviera Southshore, owner, for approval of a right-of-way vacation at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP).

**RESOLUTION NO. 06-31** **PUBLIC HEARING**  
*A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" LEGALLY DESCRIBED.*

**RV.05.0009 WARD 4 NEIGHBORHOOD 7.03 C**

Request of WilsonMiller, agent for Riviera Southshore, owner, for approval of Subdivision Vacation at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP).

**RESOLUTION NO. 06-32** **PUBLIC HEARING**  
*A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "PLAT VACATION" LEGALLY DESCRIBED.*

**LU.05.0020 WARD 4 NEIGHBORHOOD 7.03 C**

Request of WilsonMiller, agent for Riviera Southshore, owner, for Land Use Atlas Amendment from R-1B, C-1A, PDP to PDP for property located at 1203 Manatee Avenue East.

**SECOND READING OF PROPOSED ORDINANCE NO. 2842** **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-1B, C-1A, C-1, PDP TO PDP FOR THE PROPERTY LOCATED AT 1203 MANATEE AVENUE EAST AND LEGALLY DESCRIBED.*

**PR.05.0017 WARD 4 NEIGHBORHOOD 7.03 C**

**PUBLIC HEARING**

Request of WilsonMiller, agent for Riviera Southshore, owner, for preliminary approval of a Planned Development Project known as Riviera Southshore located at 1203 Manatee Avenue East (Zoned R-1B, C-1A, C-1 & PDP).

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

**Ed Vogler**, representative for the applicant, gave a brief overview of the project and distributed a list of recommendations to add amendments to stipulations 7, 9, and 11 with an added new stipulation 12. (To be discussed further in the recommended stipulations.) He recommended a motion with the aforementioned stipulations to approve the project.

**Frank Maggio**, CEO of the project, gave a brief summary of the project and the acquired 70 parcels purchased for this development which was mostly a distressed neighborhood of rental homes.

**Terry Coe**, architect of the project, along with **Alan Parson**, Senior Planner for WilsonMiller, and **John Moody**, Landscape Architect displayed renderings of the proposed development.

Speaking in favor of the project were **Frank Foster, Preston Griffith, Martha de la Torre, Guy Averill, Chris Parra, and Diana Stewart**. Each attested that they believed the project was a high quality project which would improve the neighborhood and be a catalyst for future development in the area. They expressed hopes that the Architectural Review Board would keep the old neighborhood charm and architecture should the project be approved. The project would create more jobs in the neighborhood. Some, though in favor of the project, thought the towers were too high.

**State Representative Frank Peterman, Jr.**, Peterman Consulting Group spoke in favor of the project as a high quality project and referred to the beautiful riverfront in St. Petersburg as a reference and guideline for future growth in Bradenton.

Those in opposition.

**Patricia Petruff**, attorney representing Les and Jackie Atwood, referred to her letter dated August 15, 2006 to Mayor Poston which stated that the development did not comply with the Comprehensive Plan which required low density in coastal high hazard and flood evacuation areas. She displayed photographs of past flooding problems at the Atwood's residence located at 1010 Riverside Drive East, next to the proposed development. She voiced her concern for setting precedence for the waterfront.

Also speaking against the project were **John Elsoffer, Bob Nolan, Les Atwood, Affie Twiford, Lois Congdon, Lydia Copeland-McNeal, Mary Sheppard, Lisa Sokos, Charles McNeal, Florence Ericson**, who thought the towers should not be directly on the river shoreline but further back within the development. They expressed their opinion that the towers were too high and would have too much density to be placed in a high hazard evacuation flood area. Some stated that they supported the development but asked that sensitivity be shown to the existing neighborhoods regarding original architecture and the use of existing infrastructure. They also requested the developer to keep in mind the need for affordable housing. They stated that the properties that the developer had purchased were poorly maintained structures which had a lot of debris in the yards with lawns unattended. They asked that the properties be cleaned up prior to commencement of development. They wanted assurance that Glazier Park would remain a park and not be incorporated into the development. Concerns were expressed about the location of the new lift station, the need to buffer bright lights and the lack of public parking for the commercial use of the development along 12<sup>th</sup> Street. Some expressed that they desired to live in a Florida atmosphere and not a condominium life style.

**Bill Clagne**, Manatee County Assistant Attorney representing Manatee County Board of Commissioners stated that the board wanted to play a non-adversarial roll and was not cueing this up for a potential lawsuit. He stated that he and Mr. Luppino represented the whole Board of Commissioners and not any specific views of one commissioner.

Councilman Smith reiterated and made reference to a letter from Joe McClash, Chairman of the Manatee County Commissioners to Mayor Poston with an implication of critical concern to delay or deny approval of this development.

**Norm Luppino**, Manatee County Planning Manager voiced his concern that the project impact with height which was higher than any existing building currently in the downtown area and would bring the focal point to this area which was the oldest and most historic part of Manatee County. He stated this would eventually weaken the city's esthetic look for the downtown urban core.

Mr. Luppino stated that if this development be approved it would set precedent for other development in the three mile core from downtown to this development. He stated this would potentially cause a curtain wall effect along the Manatee River up to Braden River.

Mr. Luppino stated that the mixed use of the project was a good aspect, but due to past mistakes made by the county he suggested that a portion of the commercial mixed use be built prior to completion of the four towers. He stated that the proposed westernmost building "D" would be surrounded by single-family residences on three sides and did not fit in with the neighborhood.

In rebuttal:

**Betsy Benac**, WilsonMiller stated that the park was owned by the city and was not part of the development.

**Ed Vogler**, stated that drainage would be improved in the area following completion of the development. A new buffer zone would be created with new connectivity at 3<sup>rd</sup> Avenue East. He stated there would be no blockage on 10<sup>th</sup> Street East and there would be no changes made on 12<sup>th</sup> Street East with ample street parking and plenty of parking near the park.

Mr. Vogler referred to a letter from Glatting Jackson dated January 19, 2006 which gave an assessment and summary of the project and stated that this was a part of the urban core of the downtown area.

The public hearing was closed.

Tim Polk gave a brief summary of the project and stated that the project could be a positive catalyst for redevelopment in the city. He introduced the following two consultants to present an overview of the proposed project.

**Pete Sekle**, Gladding Jackson Consultant and Urban Designer, displayed renderings and discussed the mixed use blend of high-rise towers, town homes and commercial and retail stores. He discussed the concerns about open space, streetscapes and the network of streets throughout and around the proposed project. He voiced his concern about the overall project design and the architectural detail. He showed examples of how trees with various heights and canopies could play a significant role in the visual impacts of the buildings.

**Charles Seiman**, Seiman Larson Consultant, a land use planning attorney, gave an overview of the project and requested the Council to carefully consider what they wanted as a catalyst for future development. He discussed three major issues regarding the proposed project: Density, Compatibility and Transition.

Tim Polk gave the staff report with the Planning Commission recommendation for approval of RV.05.0008 RIGHT-OF-WAY, RV.05.0009 REVERSION OF SUBDIVISION, LU.05.0020 LAND USE ATLAS AMENDMENT, PR.05.0017, PRELIMINARY PLANNED with 15 stipulations as follows:

1. The total number of residential units within the Riviera PDP project shall not exceed five hundred thirty-four (534) units.
2. The final PDP plan shall be prepared and submitted as depicted in the revised concept plan titled "SCHEME A - REVISED, RIVIERA SOUTHSHORE" by Walton H. Chancey & Associates Architects, P.A., dated June 6, 2006 and submitted to the City of Bradenton on June 12, 2006.
3. The heights of the proposed riverfront towers shall be limited to those heights listed on the revised concept plan; specifically, Tower A shall have 12 stories of residential over 2 stories of structured parking; Tower B shall have 11 stories of residential over 2 stories of structured parking; Tower C shall have 9 stories of residential over 2 stories of structured parking; and Tower D shall have 8 stories of residential over 2 stories of structured parking.

*NOTE: Staff recommendation for building height was as follows: The height of the buildings in the portion of the Riviera Southshore Planned Development Project which is located in the Planned Development District shall not exceed ten (10) residential stories above two (2) floors of structured parking (maximum of twenty (20) feet); provided, however, that if the developer of the Riviera Southshore PDP constructs three (3) or more buildings with a height of greater than four (4) residential floors above structured parking, the developer may vary the height of buildings which exceed four (4) residential stories above structured parking to include one or more buildings with a height not to exceed twelve (12) stories over two floors of structured parking so long as the average height of buildings over four (4) residential stories over parking does not exceed ten (10) stories.*

4. All parking facilities shall comply with the parking requirements of the City of Bradenton Land Use Regulations.
5. Significant architectural detail and features must be added to the east faces of the parking structures in Towers A & B and the west faces of the parking structures in Towers B & C to mask the nature of the structures as garages.
6. Significant entrance features, including pedestrian plazas or overhead archways, should be placed at the north end of the pedestrian pathway between Riverside Drive and Tower A and at both ends of the pathways between Towers A & B, Towers B & C, and along the east side of Tower C. These amenities should create a sense of entrance and place for the proposed riverfront promenade.
7. All of the paved pedestrian sidewalks and on-street parking within the 100-year floodplain shall be constructed with pervious paving material, or as approved by the Public Works Director.

*NOTE: Mr. Vogler recommended an amendment to add: The paving material shall be pervious or as approved by the Public Works Director.*

8. The architectural design and features of the proposed buildings, parking garages, and amenities, including pedestrian features, shall be adhered to as reviewed and approved by the Architectural Review Board and the City Council. Such reviews shall occur before final PDP approval may be granted.
9. The Final PDP must address all Stipulations and other Staff Recommendations/concerns included in this revised Evaluation and Report as well as those provided in Section C, "Traffic Summary" of the Initial Report and in the "Architectural Review Board Recommendations" of the Initial Report.

*NOTE: Mr. Vogler recommended amendment to add: "The developer's fair share contribution to off-site roadway improvements shall be \$48,000." Tim Polk stated the staff recommended the sum of \$48,950 and to add the installation of a traffic arm at the intersection entrance of the project at Manatee Avenue and 11<sup>th</sup> Street East.*

10. Any deviation from the approved requirements may require a PDP amendment.
11. A revised utility plan, including information specified in the memorandum to file dated June 16, 2005, would be submitted no later than July 7, 2006 for Public Works review.

*NOTE: This stipulation has been completed with the revised plan submitted July 27, 2006.*

*Mr. Vogler added: That the contribution shall be funded by a community development district as and when formed by developer, and shall not exceed \$250,000.*

12. All provisions of the letter to First Dartmouth regarding property clean up dated June 6, 2006 would be adhered to.

*NOTE: This item has not been complied with in full.*

*Mr. Vogler added a stipulation: "Significant additional landscaping shall be added along the driveway adjacent to Lot 1 and Lot 8 so as to buffer the impact of automobile headlights on the adjacent residences, which additional landscaping shall (i) be installed prior to certificate of occupancy for such units and (ii) achieve an eighty-five percent (85%) opacity within one year from the date of planting."*

13. Cost for relocation of all utilities would be the responsibility of the developer.
14. Swap the heights of Buildings A and B.

*NOTE: This has been indicated on the revised plan.*

15. An affordable housing element is encouraged.

*NOTE: The applicant indicated the 33 lofts over the commercial entity on Manatee Avenue would be affordable.*

16. Consideration for redesign of park amenities was to be given to the existing neighborhood as well as the planned neighborhood.

Tim Polk gave the staff recommendation for approval of RV.05.0008 RIGHT-OF-WAY, RV.05.0009 REVERSION OF SUBDIVISION, LU.05.0020 LAND USE ATLAS AMENDMENT, PR.05.0017, PRELIMINARY PLANNED with 11 stipulations as follows:

1. The total number of residential units within the Riviera PDP project shall not exceed five hundred thirty-four (534) units.
2. The final PDP plan shall be prepared and submitted as depicted in the set of plans dated stamped July 27, 2006 and submitted to the City of Bradenton on July 28, 2006, by Allen Parsons, AICP, of WilsonMiller.
3. The heights of the proposed riverfront buildings shall be limited to those heights listed on the schematic design, dated July 28, 2006, and included in the set of plans described in condition 2, above; specifically, Building A shall have 12 stories of residential over 2 stories of structured parking; Building B shall have 11 stories of residential over 2 stories of structured parking; Building C shall have 9 stories of residential over 2 stories of structured parking; and Building D shall have 8 stories of residential over 2 stories of structured parking.
4. All parking facilities shall comply with the parking requirements of the City of Bradenton Land Use Regulations.
5. Significant architectural detail and features must be added to the east faces of the parking structures in Buildings A & B and the west faces of the parking structures in Buildings A & C to mask the nature of the structures as garages.
6. Significant entrance features, including pedestrian plazas or overhead archways, should be placed at the north end of the pedestrian pathway between Riverside Drive and Building A and at both ends of the pathways between Buildings A & B, Buildings A & C, and along the east side of Building C. These amenities should create a sense of entrance and place for the proposed riverfront promenade.
7. All of the paved pedestrian sidewalks and on-street parking within the 100-year floodplain shall be constructed with pervious paving material.
8. The architectural design and features of the proposed buildings, parking garages, and amenities, including pedestrian features, shall be adhered to as reviewed and approved by the Architectural Review Board and the City Council. Such reviews shall occur before final PDP approval may be granted.
9. The final PDP must address all Stipulations and other Staff Recommendations/concerns included in this revised Evaluation and Report as well as those provided in Section C, "Traffic Summary" of the Initial Report and in the "Architectural Review Board Recommendations" of the initial report.
10. Any deviation from the approved requirements may require a PDP amendment.

11. The developer agrees to participate in a conceptual plan for public improvements to Glazier Gates Park and contribute not less than \$250,000 to future upgrades to be implemented prior to the issuance of a final Certificate of Occupancy in the first mid-rise (or greater) building constructed.

Discussion between Mr. Lisch and Mr. Vogler that the committed amount would be \$250,000.

Discussion: That the properties were not being maintained and that the developer was not doing a good job of keeping the lawns mowed and overseeing debris cleanup.

**Volker Reiss**, Code Enforcement Compliance Manager, distributed photographs of the before photos prior to requesting that the developers clean up the area. He gave a brief overview of what had been cleaned up and the debris that still needed to be removed.

Councilman Smith stated that there had been several citizens who stated that they were told by the developer that if they did not sell their homes to the developer the city would take their property by eminent domain. He voiced his concern about the lack of current maintenance of lawns, debris and for the graffiti on boarded houses in the area.

Councilman Smith stated that the neighborhood in general did not consider this project compatible with the Old Florida Manatee neighborhood characteristics. He stated that, in his opinion, the Central Business District was more in the downtown urban core and not in this neighborhood. He stated that previous Council members had made wrong decisions about development in this area allowing duplexes and rental units, and that this Council was doing its best to correct this mistake and to plan the right project for this area.

Councilman Roff stated that the developer considered the towers to be mid-rise, but in reality they were taller than the current tallest building in the city. He stated he would like to see the buildings to be uniform in height and would prefer tree line height. He stated he did not agree with Councilman Smith in regard to the right-of-way but agreed in working with the developer to come up with a more comparable project.

Councilwoman Barnebey agreed that new development was needed in this area, but not this project as presented. She voiced her concern as to the way the developer had neglected to keep the area clean of debris.

Vice Mayor/Councilman Gallo stated he was opposed to the vacation as it was a crucial part of this project. He stated that this neighborhood was not in the downtown core and voiced his concern that he did not want to see tall buildings all along our riverfront. He stated the approval of this project would set precedence for such development.

**MOTION FOR DENIAL OF RV.05.0008, Resolution 06-31 was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 3-1 to deny with Councilman Roff in opposition.** Councilman Golden excused from the meeting.

Mr. Lisch stated that RV.05.0009, LU.05.0020 and PR.05.0017 would be affected by the denial of the vacation. He suggested that the Council direct him and the planning staff to come back with a written motion for denial at the next meeting.

Mr. Lisch reminded the Council that they could not discuss this issue, as this issue was not yet finalized until there was a public hearing to reopen this issue prior to the next Council meeting.

**MOTION TO DIRECT Mr. Lisch and Planning staff to come back with a motion for denial at the September 13, 2006 meeting for RV.05.0009, Resolution 06-32, LU.05.0020, Ordinance 2842, and PR.05.0017 was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 4-0 for approval.** Councilman Golden excused from the meeting.

Recessed for lunch. 12:50 p.m.

Reconvened 2:08 p.m.

**SA 06.0006 WARD 5 NEIGHBORHOOD 7.02B RS PUBLIC HEARING**

Request of Becky Canesse, agent for Manatee County Girls Club, Inc., owner, for Special Use approval to add a classroom wing of approximately 4,000 to 6,000 square feet to an existing building at property located at 1011 21<sup>st</sup> Street East. (Zoned R-1C.)

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

**Jim Farr**, George F. Young representative for the agent, gave a brief overview and displayed renderings for an expansion of the existing “Just for Girls” building.

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 for approval with 2 stipulations as follows:

1. Landscaping would be installed around the proposed vehicular use area, and upgraded where necessary, as determined by Planning and Community Development Director.
2. A 3-5 foot foundation landscape buffer would be provided.

**MOTION TO APPROVE SA.06.0006 as recommended by the Planning and Community Development staff and Planning Commission was made by Councilwoman Barnebey/Vice Mayor/Councilman Gallo and carried 4-0 for approval.** Councilman Golden was excused from the meeting.

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PR.06.0025 WARD 5 NEIGHBORHOOD 7.02B/8.03 MM/RS PUBLIC HEARING

Request of King Engineering Associates, agent for Ryan Mixon, LLC, owner, for preliminary approval of a Planned Development Project known as Villages of Glen Creek for property located at 2605 26th Avenue East (PDP).

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

Bill Merrill, land use planning attorney with the law firm Icard Merrill, gave a brief overview of the project previously known as “North Park” and now known as “Villages of Glen Creek” and previously known as the Mixon property.

Misty Servia, planner for King Engineering Associates gave a PowerPoint presentation of a Traditional Neighborhood Design (TND) known as a compact mixed use community. She displayed renderings of the proposed project which was composed of 1,374 dwelling units and 12,000 square feet of commercial space on 228.91 acres.

She requested a reduction of parking based on the fact that the project was designed to be pedestrian friendly.

Councilwoman Barnebey requested a sidewalk be placed from the edge of the project to Wakeland School along 27th Street East.

Councilwoman Barnebey stated she had spoken to Mike Pendley with Manatee County Schools regarding placement of a bike path to Wakeland School.

Those in opposition.

Claude Tankersly stated he was not in opposition but had a concern about the reduction in parking as many families could have numerous young drivers.

The public hearing was closed.

Tim Polk gave the staff report of PR.06.0025 and SP.06.0005 based on the Findings of Fact and Analysis of the proposed Planned Development Project and Preliminary Subdivision, and pursuant to the requirements of Sections 201 and 404.A., and the Concurrency requirements of Section 301.A.5., of the Land Use Regulations and stated that the Planning Commission made a recommendation of approval with staff stipulations as well as additional stipulations. The revised staff recommendation summarized by Mr. Polk included those stipulations combined as follows:

1. Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities.
2. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures would be taken, with immediate notification provided to the PCD.
3. The wetland mitigation plan must be approved by Public Works and the Planning and Community Development Department prior to final PDP approval.
4. Tree preservation shall be provided to the fullest extent possible. All significant trees proposed for removal shall require approval by the Planning and Community Development Director. All 16" and larger live oak trees proposed for removal in the proposed site plan must be individually identified, with removal requiring approval by the Planning and Community Development Director for a determination of preservation versus mitigation.
5. Sanitary sewer and potable water must be provided to the site, at the expense of the developer pursuant to a Development Agreement between the developer and the City. These systems shall require approval by the City Public Works Department prior to building construction, and outright dedication of the applicable infrastructure to the City, or access through appropriate access easement, as determined by the City.
6. Adequate infrastructure would be completed, or sufficiently completed prior to the commencement of any phase, as determined and approved by the Planning and Community Development Department and Department of Public Works.
7. The architectural design and features of the proposed buildings shall be approved by the Planning and Community Development Director prior to construction.
8. Impact fee equivalency would be required in accordance with the definitions of the ACCORD prior to the issuance of a Certificate of Occupancy as determined by the City of Bradenton Planning and Community Development Director.
9. The applicant or developer shall submit to the Planning and Community Development Department an Impact Fee Credit application pertaining to Public Safety (Fire and Police), Roads, Parks, and Water and Sewer impact fee requirements prior to development permitting. As part of the Impact Fee Credit application, the applicant or developer shall provide assurance of required improvements through submittal of a performance bond, irrevocable letter of credit, or escrow agreement. The appropriate impact fee credits and methodologies for credit, and the type of assurance shall require approval by the Planning and Community Development Director.
10. Any deviation from the approved requirements, as determined by the Planning and Community Development Director, may require a PDP amendment.
11. All recommendations stated in the "Villages of Glen Creek" Traffic Impact Study Review letter dated August 11, 2006, from Robert Frey, AICP, Project Manager of the HNTB Corporation, Inc. attached as Exhibit "Q" shall be complied with prior to issuance of a certificate of occupancy for the first building constructed.
12. The landscape buffer along the perimeter of the project shall be at least ten (10) feet wide with a six (6) foot high opaque fence with a hedge on the outside of the fence. The

- buffer shall include dense landscaping subject to approval of the Planning and Community Development Director.
13. The developer shall provide a uniform mailbox and post design throughout the community.
 14. Subject to Public Works Department approval, the developer shall provide a street tree plan at the time of construction including at least one (1) tree, including existing trees, per lot between the street and sidewalk.
 15. The developer shall provide detailed specifications at the time of construction plan regarding landscaping, buffering, and community center/park areas in accordance with the preliminary plan for the appropriate neighborhood or area. The developer shall also include a continuous pedestrian/bike lane along Glenn Creek.
 16. The developer shall provide detailed specifications at the time of construction plan regarding entry features and signage for the appropriate neighborhood.
 17. The developer shall provide street lighting installed in accordance with the standards set forth in current edition of the American National Standard Practice for Roadway Lighting, published by the Illuminating Engineering Society of North America. Enhanced street lighting would be required, with the approval of Public Works Department, to accentuate the traditional neighborhood character. If enhanced or upgraded street lighting is installed, streetlights shall be operated and maintained by a street lighting district, homeowners association, or community development district. All privately owned and operated street lighting shall be placed outside city owned and operated right-of-way.
 18. The developer shall provide staggered front yard setbacks, staggered not less than two feet on adjacent lots, and in order to avoid repetitive front elevations and exterior colors. Homes with the same front elevation or exterior color shall not be located next to each other or directly across the street from each other.
 19. A minimum of a five (5) foot sidewalk shall be provided along both sides of the street on all internal roads within the project.
 20. Site development standards for recreation areas would be in accordance with the City of Bradenton Code of Ordinances.
 21. The developer shall enforce all stipulations and provisions in the exhibit entitled "Villages of Glen Creek" Community Standards Manual – For Participating Builders" throughout the entire build out of the proposed PDP.
 22. Not less than forty (40) percent of the detached single-family homes shall be constructed with a stem wall foundation raising the finished floor elevation 24 inches to 32 inches above the finished grade and shall have a front porch. Not less than twenty-five (25) percent of the attached single-family homes shall have a front porch or stoop with a finished floor elevation of 16 inches to 24 inches above the finished grade for the porch or stoop.
 23. Residential and non-residential buildings shall conform to Florida vernacular architectural style in form, materials, and finishes in accordance with the "Villages at Glen Creek Community Standards Manual – For Participating Builders." All building elevations must be approved by the Planning and Community Development Director prior to building permits being issued.
 24. All backflow preventers would be suitably located and landscaped subject to the approval of City Staff.
 25. Stormwater ponds would be designed as an amenity to the project using curvilinear design, aesthetically pleasing, environmentally sustainable landscape vegetation, fountains, and other features as determined by a registered landscape architect and biologist. Landscape design of Glen Creek and the stormwater ponds must be approved by the Planning and Community Development Director as part of the final PDP.
 26. Construction of the access road shown on the site plan connecting to 15th Street East is subject to the developer receiving appropriate permits from the DEP and the Army Corps of Engineers to impact the jurisdictional wetland shown in that location.
 27. The developer shall enter into an Agreement with the School Board of Manatee County to provide a per-phase mechanism of pre-paying school impact fees for this development, for use toward the construction cost of educational facilities. Such agreement shall be entered into prior to local government approval of construction plans for the first phase of development.

Below is a proposed schedule showing both the anticipated timing and pre-payment amounts for the development based on phased development of the property. The Agreement for pre-payment would include provisions for the payment to be made at the earlier of approved construction plans or the date certain shown below for each development phase of the project. The prepayment amounts provided are for illustration purposes only and are based on current educational facility impact fees. The Agreement shall contain provisions for impact fee adjustments at the time of each prepayment to address any increases or decreases in the amount of educational facility impact fees.

Phase	Product Mix	Impact Fee/Unit	Pre-payment Amount	Final Due Date
1	SFD - 176	\$5,887	\$1,036,112	8/31/2007
	TH - 92	\$3,987	\$ 366,804	
	268		<u>\$1,402,916</u>	
2	SFD - 170	\$5,887	\$1,000,790	3/31/2008
	TH - 132	\$3,987	\$ 526,284	
	302		<u>\$1,527,074</u>	
3	MF - 379	\$1,760	\$ 667,040	10/30/2008
	379		<u>\$ 667,040</u>	
4	SFD - 45	\$5,887	\$ 264,915	5/31/2009
	TH - 187	\$3,987	\$ 745,565	
	MF - 192	\$1,760	\$ 337,920	
	424		<u>\$1,348,400</u>	
Total	1,373		\$4,945,430	

The project would be subject to school concurrency requirements, as applicable, upon adoption.

- 28. When a single-car garage of an attached single-family home adjoins another single-car garage of another attached single-family home in the development, a shared driveway shall be provided. This requirement shall not apply to end units.
- 29. The development shall include at least 64 one-bedroom or studio units in the multi-family portion of the development.

Tim Polk gave a brief report on the traffic report change dated August 15, 2006 (see stipulation 11) recommended by Robert Frey, AICP with HNTB Corporation, Inc.

MOTION TO APPROVE PR.06.0025 with the recommendations made by the Planning and Community Development staff and Planning Commission with 29 stipulations was made by Councilwoman Barnebey/Councilman Roff and carried 4-0 for approval. Councilman Golden excused absence.

SP.06.0005 WARD 5 NEIGHBORHOOD 7.02B/8.03 MM/RS

Request of King Engineering Associates, agent for Ryan Mixon, LLC, owner, for preliminary approval of a subdivision known as "Villages of Glen Creek" for property located at 2605 26th Avenue East (PDP)

No discussion followed.

MOTION TO APPROVE SP.06.0005 with the recommendations made by the Planning and Community Development staff and Planning Commission with 29 stipulations was made by Councilwoman Barnebey/Councilman Roff and carried 4-0 for approval. Councilman Golden excused absence.

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**SF.06.0007 WARD 5 NEIGHBORHOOD 1.02/1.04**

Request of Leo Mills, Agent for Samuel S. Smith, owner, for final plat approval for a subdivision known as "Der Lind" located at 605 19<sup>th</sup> Avenue West.

Ruth Seewer, Development Review Manager gave a brief overview of the request for subdivisions of five lots or less which did not require new roads or utilities and were not required to have a public hearing before the Planning Commission or the City Council. This subdivision consisted of five lots, all fronting on 19<sup>th</sup> Avenue West, with existing utilities.

Tim Polk stated that the Planning and Community Development staff recommendation was for approval with the plat meeting requirements of state statutes.

**MOTION TO APPROVE SF.06.0007 with the recommendation by Planning and Community Development staff was made by Councilman Smith/Councilwoman Barnebey and carried 4-0 for approval.** Councilman Golden excused absence.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**REQUEST BY George B. Williams, Jr. for an occupational license to operate a business known as Wheelchair Transport Service, Inc.**

Mr. Callahan stated that the application appeared to be in order and recommended approval of the request.

**MOTION TO APPROVE the request to operate Wheelchair Transport Service, Inc. was made by Councilwoman Barnebey/Councilman Smith and carried 4-0 for approval.** Councilman Golden excused absence.

Tim Polk

**REQUEST BY Masterwork Sign Systems for the installation of a sign on the corner of Manatee Avenue and 67<sup>th</sup> Street West**

Discussion: That the area requested was on a Florida Department of Transportation (FDOT) right-of-way and that the Council could not give him permission to place a sign.

Conclusion: Ruth Seewer would meet with Masterwork Sign Systems to determine if this request was on the FDOT right-of-way.

**SECOND READING OF PROPOSED ORDINANCE 2814 PUBLIC HEARING**  
*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA PROHIBITING THE USE OF PUBLIC OR PRIVATE PLACES FOR OUT-OF-DOORS LODGING; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR VIOLATION AND ENFORCEMENT; PROVIDING FOR THE SEVERABILITY OF THE PARTS THEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.*

**MOTION TO MOVE ORDINANCE 2814 OFF THE TABLE was made by Councilman Smith/Councilman Roff and carried 3-0 for approval.** Vice Mayor/Councilman Gallo was absent from the Chamber. Councilman Golden was excused from the meeting.

The public hearing was opened; those in favor or opposition come forward.

Mr. Lisch gave a brief overview of the Sarasota ordinance which had been in litigation since its adoption. He stated a hearing had been held recently with no ruling made by the judge.

Speaking in opposition to the ordinance were **Mary Ruiz**, President of Manatee Glens, **Adell Erozer**, Executive Director of the Manatee Coalition for the Homeless, **Ashley Canesse**, Development Director of the Salvation Army, and **Lee Redfern**, 1600 1<sup>st</sup> Avenue West. Each spoke in favor of committing to follow the 10-year plan to end homelessness. They asked to wait on making a decision today and to ask the police department for crime statistics relating to the criminal homeless, then report back to Council in 120 days of their findings. They had concerns that this ordinance may cause undue stress for homeless families and misunderstanding of the meaning of homelessness, thus causing less funding resources for the various homeless services.

Councilman Roff stated that the ordinance would be beneficial in assisting the homeless in finding services to help them. He stated that the City had given three resources to assist the homeless: (1) The 10- year plan to end homelessness (2) CDBG funds and (3) The One Stop Resource Center. He felt that it was time that the city taxpayers, who paid for these homeless resources, be assisted with the continued crime problems created by homeless violators.

Ashley Canesse submitted a letter from Major Jack O. Repass, Area Coordinator of the Salvation Army which addressed the homeless issue and the lack of beds at the shelter.

Speaking in favor of the ordinance were **Cynthia Hooper**, President of Historic Wares Creek Association, **Shawn Troxel**, President of the Historic Ballard Oaks Neighborhood Association, **Troy Dugan**, Tamiami Trail Business Owners Association, **Jeana Kolinchak**, the owner of the Yellow Apartments on 2309 Manatee Avenue West, **Randell Crews**, 822 27<sup>th</sup> Street West and **Janice Lessard**, 2810 17<sup>th</sup> Street Lane West. Each spoke of the problems they had experienced in their neighborhood caused by homeless violators who were sleeping on private property without the owner's permission, and causing damage to their property by leaving trash, and debris, urinating and defecating in their yards. Some stated that this type of behavior was not conducive for a good neighborhood environment and expressed concerns for the safety in allowing their children to play in their own yards. They stated that the criminal homeless who refuse help and choose this lifestyle should go elsewhere. They supported the homeless services for those who truly needed help. They spoke in favor of giving the proper tools to the police department to combat this very serious problem.

**Archie Waugh** stated that if this ordinance does not do what it was designed to do could it not be rescinded by Council.

General discussion that the Council could reconsider later if the ordinance was not effective.

The public hearing was closed.

Bill Lisch stated that this ordinance was designed to protect our taxpayers which was what the city was trying to achieve.

Councilman Roff stated that the City of Bradenton had to do something, as the criminal homeless situation was getting worse instead of better. He stated that since the City of Sarasota adopted this ordinance many homeless from Sarasota had come to Bradenton. He stated that if the ordinance were to prove a dismal failure, the Council would reconsider the ordinance.

Councilwoman Barnebey stated that this problem was not just in the City of Bradenton but throughout Manatee County. She encouraged people not to give to individuals who were begging for money, as this did not help them improve their life but encouraged this type of life style.

**MOTION TO APPROVE Ordinance 2814 was made by Councilman Roff/Councilman Smith and carried 4-0 for approval.** Councilman Golden was excused from the meeting.

## DEPARTMENT HEADS

### Carl Callahan:

**RECOMMENDATION TO APPROVE an Agreement among the City of Bradenton, the Manatee Players, Inc., and Bradenton Riverfront Partners, LLC.**

Bill Lisch stated that the three-party agreement provided that the City would supply the land, and lend 2.3 million dollars to the Players, which they would be required to pay back. The agreement would also include a reverter clause which would require that the property be returned to the city if the Players failed to utilize the property for the purposes it was intended.

He stated there was also an amendment to the lease with Bradenton Riverfront Partners which would remove this parcel out of their lease. He recommended approval of both agreements.

General discussion: The interest in keeping the Players in the City of Bradenton.

Mark Barnebey, representing the Manatee Players, thanked the city and the Bradenton Riverfront Partners for all their efforts they had put forth to make this happen in a timely manner and that he agreed to the terms of the agreement.

He invited everyone to the groundbreaking ceremony on August 17, 2006 to begin construction of the new Manatee Players Theater.

Councilwoman Barnebey stated that she would not be voting due to the conflict created by her husband representation of the Manatee Players.

**MOTION TO APPROVE the three-party agreement among the City of Bradenton, Manatee Players, Inc. and the Bradenton Riverfront Partners, LLC, with the provision for a public parking lot on the other side of the railroad tracks as recommended by Carl Callahan and Bill Lisch was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 3-0 for approval.** Councilwoman Barnebey did not vote due to the conflict of interest and Councilman Golden was excused from the meeting.

**MOTION TO APPROVE the second amendment to the lease with the Bradenton Riverfront Partners, LLC was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 3-0 for approval.** Councilwoman Barnebey did not vote due to a conflict of interest and Councilman Golden was excused from the meeting.

Mr. Callahan announced that the state of Florida had passed a bill to change the name "Occupational Licenses" to "Local Business Tax". He stated when taxes were to be paid, a "Local Business Tax Receipt" would be sent to the taxpayer certifying that their taxes had been paid. He stated an ordinance would be forthcoming making these changes effective January 1, 2007.

Mr. Callahan stated that a plan with Pirates City and McKechnie Field had been finalized with the state for a proposal to upgrade Pirates City and McKechnie Field. He stated that this issue would be forthcoming to Council within the next three weeks to begin the upgrades by January, 2007.

He stated that the City of Bradenton would not be at risk, as the Pirates indicated that they would fund the preliminary architectural issues and that they would accept this responsibility.

**REQUEST FOR APPROVAL** to move forward with the contract.

**MOTION TO APPROVE** the request by Carl Callahan to move forward with the plan for Pirates City and McKechnie Field and to negotiate a contract with Jones, Edwards and Associates (JEA) and Fawley Bryant Architects to create a preliminary design was made by Councilman Smith/Vice Mayor/Councilman Gallo and carried 4-0 for approval. Councilman Golden was excused from the meeting.

**Chief Souders:** REPORTED on a fire last evening which was caused by lighting at the Town and Country Perico Apartments.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Nothing to report.

**John Cumming:** INFORMED the Council of a street closure for approximately two or three weeks, on Southern Parkway to upgrade a lift station at Southern Parkway and 43<sup>rd</sup> Street West with a detour on 36<sup>th</sup> Avenue West to the north.

Councilwoman Barnebey requested that Mr. Cumming contact all the surrounding schools that would be affected by this closure, and the police department to place the speed limit trailer on site during the street closure.

Mr. Cumming informed the Council that Verizon was finished with placing fiber optic line on the west side of the city up to 43<sup>rd</sup> Street West. He stated that work would begin through the downtown area moving toward the east side of the city and should be completed by December, 2006.

He stated that Verizon would then begin moving westward from 43<sup>rd</sup> Street toward Perico Island in the first part of 2007.

**Tim Polk:** STATED that Manatee County had requested the city to consider imposing a conditional policy for any final PDP approval requested by future developers, and to mitigate any proposed project, which may cause interference with the county's 800 megahertz radio network.

He stated he had met with the county administrator and that a tri-party agreement between the county, city and a developer would require the applicant to provide the county with a license or easement to place necessary radio equipment on the top of (one) building within a project as well as an air conditioned area to house and maintain the equipment. He stated that the county would bear the expense of the maintenance area and that staff had no objection to the imposition of this condition if the council chose to approve.

Mr. Polk stated that Mr. Lisch had reviewed this agreement and that they both recommended approval.

Mr. Lisch stated that this would be considered a policy.

General discussion if there was a need for a lot of towers using this system and was this request really necessary.

Chief Radzilowski stated that he could have the police department representative on that committee come before Council for any further information or questions the Council may have on this issue.

Conclusion: That the Council would review this issue on a case by case basis.

**Bill Lisch:** Nothing to report.

**Carolyn Moore:** Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 5:00 p.m.

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