

**CITY COUNCIL MEETING
May 28, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on May 28, 2003 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo
Councilwoman Ward II Marianne Barnebey
Vice Mayor and Councilwoman Ward III Michele Weaver
Councilman Ward IV Bemis Smith
Councilman Ward V James T. Golden

Also Present: 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, Planning Services Director
Staci Cross, Information Technology Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Vice Mayor Weaver.

Prayer was led by Pastor Bill Pierson, J.O.Y. Ministries.

Flag salute was led by Councilman Gallo.

PRESENTATION:

GRANTS & ASSISTANCE REPORT

Jeana Winterbottom, Grants and Assistant Administrator gave a brief report on the Community Development Block Grant, Section 8 Housing, State Housing Initiative Partnership - SHIP Funds and the Enterprise Programs.

She stated that she was currently studying various grants in other areas.

Susie Copeland, CDBG Manager gave a brief update on the Five Year Consolidated Plan.

Lesa Ramos, Section 8 Housing Manager gave a brief synopsis on the Section 8 Housing Program.

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

PUBLIC COMMENTS:

Bob Holstead, 7305 19th Avenue West in Village Green voiced his concern for conserving precious drinking water by installing and extending the existing reclaimed water line in other areas throughout the City.

Discussion: City and County cooperation.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Nothing to report

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey thanked everyone who participated in the Arthritis 5K Run and Walk and stated that it had been the largest run in the state and raised over \$40,000 for Arthritis research.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver congratulated all the high school seniors who were graduating this year and expressed her joy that her son William would be one of the graduates.

Councilman Bemis Smith, Ward IV:

Councilman Smith stated that the Public Mayor meeting in Ward IV was planned for the second Thursday in September.

Councilman James Golden, Ward V:

Nothing to report.

Mayor Poston:

Excused absence.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

**P-PDP-03-06 WARD 4 NEIGHBORHOOD 1.01 PUBLIC HEARING
Request of Edward Vogler, II of the Bradenton Riverfront Partners,
L.L.C./Mainstreet at Bradenton Condominiums, L.L.C. for approval of a preliminary
Planned Development Project to be located at 211 9th Street West. (Zoned PDP)**

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

Ed Vogler, II Bradenton Riverfront Partners, LLC requested approval of a proposed mixed use development consisting of a hotel, seven commercial/retail/cultural buildings, three residential condominium units and two parking garages. He displayed renderings depicting the site plan to be located on the waterfront.

(Tape 1, side 2)

Questions were asked and answers given regarding setbacks and height of the buildings.

Councilwoman Barnebey voiced her concerns about the setbacks and the building heights which would not give an “open park feeling”, the height of the decorative fencing around the lake and the overall design of the retail store placement.

Councilman Gallo and Vice Mayor Weaver stated they supported the project as presented and that they relied on the economic expertise of the developers for the project.

Councilman Golden stated that he supported the project but voiced his concern for the height of the building overshadowing the park. He asked if the developer’s would reconsider the building height.

Councilman Smith stated that he supported the site plan but was concerned for the building height encroachment on the waterfront park.

John Moody, Swan Moody Architects, **Ron Allen**, Bradenton Riverfront Partners LLC and **Ed Vogler, II** Bradenton Riverfront Partners, LLC gave some insights as to the lake promenade associated with the waterfront park and the design consideration for the parking garages being accessible throughout the site. That the overall design was to flow together to create an urban amenity and that the park amenity was the promenade along the water’s edge.

(Tape 2, side 1)

Vice Mayor Weaver requested anyone wishing to speak in opposition of the request to please come forward.

Jerry Zoller, 823 65th Street N.W. stated he was generally in favor of the project but voiced his concern that the height of the buildings was too much for the scale and density of the project.

Arthur Guide, 2529 8th Avenue West stated he was not opposed to the project but he expressed his concern that there wasn’t a flow from the project into the waterfront park. He voiced his concern that the park was for all the people and not just for the condominium residents.

Ed Vogler, II in rebuttal stated that the success of this project depended on quality residential people who desired a water view amenity and would bring life to and enjoy downtown Bradenton. He requested approval for the project application.

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that this was a five phase planned development project and that the Planning Staff had spent many hours going over this plan.

He stated that the Planning Staff and Planning Commission recommended approval of the project with the following eight stipulations:

1. All non-internal dumpsters would be indicated on the final PDP and site construction plans.
2. Any fencing material must be decorative in nature and approved by the Administrative Official prior to installation.
3. The applicant shall work with Manatee County Area Transit (MCAT) to establish a location for public transit shelter or kiosk within the development.

4. Signage design would be subject to the approval of the Administrative Official through submittal of a master signage plan. Location of signs would be permitted as per the lease agreement or code.
5. Provisions for public rest room facilities would be addressed prior to the City Council meeting as they relate to future events and the overall project with regard to visitors and tourists.
6. Landscaping treatment shall exceed the minimum requirements of the LUDR and meet the approval of the Administrative Official and would be required around all building footprints and the perimeter of the project.
7. Provide a more defined crosswalk across 7th Street West from the hotel to the commercial development.
8. The final design of the lake amenities were subject to the approval of the Administrative Official.

Motion to approve the request of the Planned Development Project P-PDP/ 03-06 with the eight stipulations and an additional stipulation stating that the developer would work with the City Staff to clearly define the boundary of the park and to integrate the two boundaries was made by Councilman Smith, seconded by Councilman Golden and carried 4-1 with Councilwoman Barnebey in opposition.

Mr. Callahan read the following:

**A-03-01 SECOND READING OF AN ORDINANCE PUBLIC HEARING
AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN
LAND CONTIGUOUS THERETO, LOCATED AT 101 48th STREET COURT
NORTHEAST AND LEGALLY DESCRIBED.**

THAT PART OF THE FOLLOWING: LOT 1, U.S., SECTION 15; LOT 4, U.S., SECTION 16; LOT 1, U.S., LESS THE NORTH 12 ACRES THEREOF, AND ALL OF LOT 2, U.S., AND S.E. 1/4 OF N.E. 1/4, SECTION 21; N.E. 1/4 OF S.E. 1/4 AND N.E. 1/4 OF N.E. 1/4, SECTION 21; W. 1/2 OF N.W. 1/4, SECTION 22; ALL THAT PART OF N.E. 1/4 OF N.W. 1/4 OF SECTION 22 LYING WEST OF BAYOU OF MANATEE RIVER; ALL THAT PART OF S.E. 1/4 OF N.W. 1/4 OF SECTION 22 LYING WEST OF BAYOU OF MANATEE RIVER; THAT PART OF THE N.W. 1/4 OF S.W. 1/4, SECTION 22 LYING WEST OF BAYOU OF MANATEE RIVER, AND THAT PART OF THE N.W. 1/4 OF N.E. 1/4 OF SECTION 22 LYING WEST OF THE BAYOU OF THE MANATEE RIVER, LESS A PERPETUAL EASEMENT ACROSS THE SOUTH 15 FEET OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 21, AND ACROSS THE SOUTH 15 FEET OF THE WEST 30 FEET OF THAT PART OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 22, LYING WEST OF THE BAYOU OF THE MANATEE RIVER, WHICH IS RESERVED IN THAT CERTAIN WARRANTY DEED RECORDED IN DEED BOOK 295, PAGE 167 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA LYING NORTHEASTERLY OF STATE ROAD #93 (I-75) LIMITED ACCESS RIGHT-OF-WAY. THAT PART OF GOVERNMENT LOT 1 (LESS THE NORTH 12 ACRES THEREOF) AND GOVERNMENT LOT 2 OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA, LYING SOUTHWESTERLY OF STATE ROAD #93 (I-75) SERVICE ROAD RIGHT-OF-WAY. THAT PART OF THE N.E. 1/4 OF THE S.E. 1/4 OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 18 EAST, LYING SOUTHWESTERLY OF STATE ROAD #93 (I-75) LIMITED ACCESS RIGHT-OF-WAY, LESS THE SERVICE ROAD RIGHT-OF-WAY FOR SAID STATE ROAD #93. ALL BEING AND LYING IN MANATEE COUNTY, FLORIDA. TWELVE ACRES OFF THE NORTH SIDE OF U.S. LOT 1, IN SECTION 21, TOWNSHIP 34 SOUTH, RANGE 18 EAST AND U.S. LOT 3 IN SECTION 16, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

Calib Grimes, representing Dan McClure of McClure Properties, LTD requested this voluntary annexation of 383.06+ acres into the City.

Vice Mayor Weaver requested anyone wishing to speak in opposition of the request to please come forward.

Stephanie Nolan, 331 Bow Lane as a Manatee County resident stated that she was not in opposition of the annexation but voiced her concern that she had been working with the Manatee County Board of Commissioners to pave 48th Street Court East. She asked if road improvements would be made prior to the start of any development.

(Tape 2, side 2)

Darrell Phillip, Fire Commissioner representing the Braden River Fire Commission stated that the Commission was strongly opposed to the annexation and referred to a letter dated May 27, 2003 to Mayor Poston. He asked that the City notify the Fire Commission in the future of any annexations into the City. He voiced his concern for the growth in the Braden River fire district and the concern of the tax base decline in the County. He stated that the annexation would affect this fire district and would make and impact burden for the closest response station. He asked to revisit the first engine response agreement between the County and the City.

Isabel Wetz, 303 48th Street Court East voiced her concern for the already existing traffic and stated that if the land was developed it would increase the traffic on the one entrance into the annexed property.

Liz Cappell, 334 Bow Lane voiced her concern to have 48th Street Court East paved and asked that the developers advise the surrounding residents of his intent for the property.

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that 48th Street Court East was not part of the annexation as it was a County road with no plans for the City to obtain it. He stated that the property would remain the same zoning as the County which listed the property as Residential 6.

He stated that the Joint Planning Commission – JPC had no objection with the City annexing the property. He stated the Manatee County Planning Staff had the following concerns with development:

1. The property was approximately 70% wetlands.
2. An existing FPL easement runs through the middle of the property.
3. Interstate 75 runs through the middle of the property.
4. The entire property was located in the Coastal Evacuation Zone.
5. Improvements required on 48th Street Court East.
6. Recommends a secondary access be provided.

Larry Frey stated that the Planning Staff recommended approval of the annexation with the following recommendation:

1. For future consideration and in order to provide a logical, harmonious land use pattern, staff recommended that the Future Land Use designation for the subject property be Residential 6 and the Atlas Designation be Planned Development Project (PDP) based upon current and anticipated land development patterns and similar land use designations applicable to Manatee County.

Chief Souders addressed Commissioner Phillips comments and stated that there was a current agreement in effect regarding closest engine response.

Motion to approve the annexation request was made by Councilman Smith, seconded by Councilman Gallo and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

A RESOLUTION APPOINTING JEANA WINTERBOTTOM TO THE MANATEE OPPORTUNITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

A RESOLUTION APPOINTING JEFF BURTON TO THE ENTERPRISE ZONE BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

No discussion followed.

Motion to approve the two resolutions was made by Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING A POLICY FOR REIMBURSEMENT OF ATTORNEY'S FEES AND COSTS FOR OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS; PROVIDING AN EFFECTIVE DATE.

Bill Lisch stated that this resolution would adopt a policy regarding reimbursement of attorney's fees and costs.

Motion to approve the resolution was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

**LETTERS OF SUPPORT
South Florida Museum
Manatee Runaway/Youth Crisis Shelter**

Vice Mayor Weaver stated that she received two letters of support and stated there was no financial involvement for supporting the agencies.

Motion to accept support for South Florida Museum and Manatee Runaway/Youth Crisis Shelter was made by Councilwoman Barnebey, seconded by Councilman Smith and carried 5-0 for approval.

Larry Frey

STAR GAS STATION REPORT

Mr. Frey referred to a memorandum sent to the Council members regarding the Star Gas Station site located at 2101 14th Street West. He gave a brief summary of the history and contamination impact on the site. He stated in conclusion that the state currently ranked the site a low 7 priority on a 1 to 50 scale with 50 being the highest.

Mr. Frey commented that should the state ever rank the site higher the state would then initiate a cleanup with the landowner responsible only for a \$500 deductible. He stated that Seth Kohn who did the majority of the report and himself recommended that the City not become involved with the property.

Discussion: On-going problems on this property.

(Tape 3, Side 1)

Action: Request for the Planning Staff to bring back a cost estimate to fence the property.

MONK BUILDING REPORT

Larry Frey read the following letter from the Monk Building Architect to Tony Assha:

Dear Mr. Assha: We have completed a wind load analysis of the above referenced structure as partially enclosed in accordance with ASCE-7-98. The attached revised plans indicate the tie down anchors required to resist the increase in internal pressure. Impact resistant glazing will not be required. We can now proceed with the final design and installation of enclosing the store front system.
Respectfully submitted, Thomas O'Brien, Architect

Mr. Frey stated that Mr. Tibbitt's had some issues with the previous engineer which had delayed the project but that there had been some progress on the site.

DEPARTMENT HEADS:

Staci Cross

Nothing to report.

Chief Souders

Chief Souders congratulated Firefighter Russell Stensland for winning the Chess Championship at the Fire Olympics.

Carl Callahan

Mr. Callahan stated that the Eden System was progressing effectively.

Chief Radzilowski

Chief Radzilowski stated that the gun buy back program was continuously successful and would end June 15, 2003 on Father's Day. He commented that they were also accepting drugs that people were turning in.

John Cumming

Nothing to report.

Larry Frey

Larry Frey displayed a "Self Resource Directory" brochure listing the Department of Development Services (DDS) staff's name and title and how they may assist the public.

Bill Lisch

Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:30 p.m.

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