

**CITY COUNCIL MEETING
November 17, 2010**

**APPROVED BY
December 15, 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 November 17, 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; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Dave Beauchamp, representing Public Works Department, and Carolyn Moore, Human Resources Director.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Chaplain Paul Scheele, Water's Edge Senior Living Center.
Pledge of Allegiance was led by Mayor Poston.

Claude Tankersley, Public Works Director and Staci Cross, Information Technology Director were excused from the meeting.

PROCLAMATIONS

2010 ACHIEVE PROCLAMATION
CITY ENERGY AWARENESS PROCLAMATION

PRESENTATIONS

MPO - 2035 Long Range Transportation Plan (LRATP) Recommendations

Michael Howe, Executive Director of the Sarasota Manatee Metropolitan Planning Organization (MPO), a consulting team from Renaissance Planning Group, Senior Transportation Planner, **Nick Lepp**, and Vice President, **Whit Blanton** gave a slide presentation and brief overview of the MPO 2035 Long Range Transportation Plan recommendations.

Questions and answers were given on the needs for subsidized roads, and what could be accomplished financially.

Councilwoman Barnebey, MPO Chairperson and city representative, thanked everyone who had been working diligently on this plan to assist in the need for subsidized roads and an affordable mass transit system.

Jonene Neilson, a bicycle rider who regularly uses the bus, gave numerous reasons as to why she enjoys using the mass transit system. She suggested various ways to try to encourage more people to use the clean air conditioned buses which were always on time, to create revenue by selling advertisements to be placed on the bus, and to give a "Free Ride-the-Bus Day". She voiced her concern that the bus shelters were too close to the road and recommended they be placed further back at a safer distance. She also suggested offering a free shuttle bus for the elderly.

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 October 27, 2010.
- b) Public Event – New Year’s Eve Celebration on Old Main Street, Friday, December 31, 2010.
- c) Public Event – Paws in Motion, Downtown, Saturday, April 9, 2011.
- d) BDDA to fund a Downtown Patrol Police Officer.

MOTION TO APPROVE Consent Agenda Items a & c and to withdraw Items b & d for discussion was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 5-0 for approval.

Fire Marshall Ken Langston requested Council’s guidance in establishing 5 approved stage placement sites for events held in the downtown area.

He voiced his concern regarding setting off fireworks from the Manatee County parking garage on New Year’s Eve as had been requested by the sponsor of the event.

Fire Chief Souders stated he was against allowing fireworks to be set off from a downtown building. He stated he would be more supportive if the fireworks were shot over water and stated “Safety First.”

Cork Miller, downtown merchant at 425 Old Main Street, stated he agreed that safety was the key and he would not pursue fireworks.

Council authorized to lock in 5 designated stage placements in the downtown area:

1. Old Main Street near Manatee Avenue.
2. Old Main Street and 4th Avenue.
3. Old Main Street and 3rd Avenue.
For larger events.
4. Old Main Street and Barcarrota Boulevard.
5. 15th Street and Barcarrota Boulevard.

Discussion: Shutting down the 3rd Avenue stage at 11:00 p.m. on New Year’s Eve as it was near the Courtyard Senior Facility. This would move the participants up Old Main Street to the Manatee Avenue stage area.

MOTION TO APPROVE Consent Agenda Item b - New Year’s Eve Celebration with 2 stipulations: 1. There would be no fireworks. 2. The 3rd Avenue stage would shut down at 11:00 p.m. was made by Councilman Roff, seconded by Councilwoman Barnebey and passed 4-0. Councilman Gallo was absent during the voting.

Councilman Smith requested Mike Kennedy to speak on Consent Agenda Item d., Bradenton Downtown Development Authority (BDDA) as to the funding for a Downtown Patrol Police Officer. Councilman Smith asked if the city could pull an existing officer from the police force and use this officer for the BDDA police patrol position, as he was not in favor of creating a new position.

Mike Kennedy, Executive Director of the Bradenton Downtown Development Authority, stated Florida Statutes allow the CRA’s to invest in a community police officer. He stated that the officer had to be dedicated to the downtown area.

Bill Lisch, City Attorney, stated that the BDDA TIF funds had to be specifically used as specified.

General discussion: There was a vital need for a regular and consistent police presence in the downtown area. This officer would work in conjunction with Zone 4 officers and would specifically be used only for the downtown area.

Councilman Roff and Councilwoman Barnebey stated they supported the request, as the regular presence of a police officer would be of great assistance to the library, local businesses, and residents.

MOTION TO APPROVE Consent Agenda Item d - BDDA to fund a Downtown Police Patrol Officer was made by Councilman Roff, seconded by Councilwoman Barnebey and passed 4-1 with Councilman Smith in opposition.

Mr. Callahan requested a motion to authorize making a budget adjustment to allocate the BDDA funds.

MOTION TO AUTHORIZE a budget adjustment to allocate BDDA funds to pay for a Downtown Police Patrol Officer was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 4-1 with Councilman Smith in opposition.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

MA.10.0025 Ward 4 Neighborhood 20.03 RS PUBLIC HEARING

Request of David McNabb of White Oak Development, Ltd., agent for Florida Coast Development Corp, owner, for a Major Planned Development Project (PDP) Amendment to reduce the number of units from 180 attached villas to 108 single family homes for the property located at 209 48th Street Court East. (Zoned R-1).

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

Stephen Thompson, representative for David McNabb, White Oak Development, Ltd., gave a brief overview of the request to lower the density of the "Cottages of San Lorenzo" development from 180 attached villas to 108 single family detached homes. He stated he was in agreement with all eleven stipulations as set forth by the Planning and Community Development staff with the Planning Commission recommendation for approval.

Anyone wishing to speak in opposition please come forward. No one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report.

STAFF RECOMMENDATION: APPROVAL of the proposed amendment, with the following eleven (11) stipulations:

1. The applicant would provide continuous paved access to the property line for the owner to the north through the existing easement.
2. 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.
3. If any endangered, threatened, or species of special concern listed in Rule 68A-27.003 through 68A-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 Department of Planning and Community Development.

4. The wetlands and wetland buffers shall be designated with a conservation easement and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed as part of this approval would require review and approval by the Planning and Community Development Director.
5. Oak tree preservation shall be provided to the fullest extent possible. All oak stands proposed for removal shall require approval by the Planning and Community Development Director. All 16" and larger 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. All trees identified for removal would be replaced in accordance with Section 2.2.3.2 of the Land Use Regulations.
6. The architectural design and features of the proposed residences would be approved by the Design Review Committee.
7. The Final PDP must address all stipulations and other Planning and Community Development Staff and Development Review Committee (DRC) recommendations/concerns included in this report, including but not limited to easements and fire separation and access.
8. Front setbacks shall be 15 feet, rear setbacks shall be 10 feet, and side setbacks shall be 6 feet.
9. Overhangs into side yards cannot be located over an easement.
10. 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.
11. Any deviation from the approved requirements, as determined by Planning and Community Development, may require a PDP amendment.

PLANNING COMMISSION RECOMMENDATION (October 20, 2010): APPROVAL with the same 11 stipulations as recommended by the Planning and Community Development staff.

MOTION TO APPROVE MA.10.0025 PDP amendment for 108 single family homes with the recommendations made by the Planning and Community Development staff and Planning Commission with 11 stipulations was made by Councilman Smith, seconded by Councilman Roff and passed 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

Addendum to the agenda with 5 public event requests as follows:

1. **The Arthritis Foundation** requested an addendum to their original site plan of the **Jingle Bell Run** to include 4th Avenue West for the purpose of accommodating children's activities.
2. **The Old Main Street Merchants** requested flexibility in placement of the city stage at the monthly **Get Down Downtown** events to accommodate the various merchants.
3. **The Old Main Street Merchants** requested permission to relocate the city stage from Manatee Avenue, as originally requested, to 3RD Avenue West for the **November 18th Get Down.**
4. **D & B Ministries** requested permission to relocate the city stage from Manatee Avenue, as originally requested, to 4th Avenue West for the November 24th **Thanksgiving Eve Celebration on Old Main.**
5. **Comité Hispano Guadalupano** requested permission to hold the **Virgin Guadalupe Procession** on 26th Street West from St. Joseph Catholic Church to Sacred Heart Catholic Church. *If denied, they would like to request permission to use their usual route around Sacred Heart Catholic Church.*

MOTION TO AUTHORIZE administratively by the City Clerk to approve the addendums for 1. The Arthritis Foundation Jingle Bell Run to include 4th Avenue West with accommodations made for the Suntrust Bank drive-thru and parking lot off of 4th Avenue was made by Councilwoman Barnebey, seconded by Councilman Roff and passed 5-0 for approval.

MOTION TO APPROVE public event addendums 2, 3 & 4, which had been previously addressed by permitting 5 potential stage sites was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 5-0 for approval.

MOTION TO APPROVE the normal route of the Virgin Guadalupe Procession around Sacred Heart Catholic Church on 12th Street West with denial of the 26th Street route request from St. Joseph Church to Sacred Heart Catholic Church was made by Councilman Roff, seconded by Councilwoman Barnebey and passed 5-0 for approval.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Thanked Public Works for helping make 26th Street West safer by adding double yellow lines in the center of the road, white lines on the sides, and text on the street to state, "SLOW 25 m.p.h." She also thanked the Police Department for their help and monitoring of the area.

Councilwoman Barnebey stated this Saturday, November 20th the Manatee Players would be holding a fundraiser entitled, "A Diamond in the Rough," at the new theater on 3rd Avenue.

Councilwoman Barnebey thanked Councilman Roff for his support with Realize Bradenton. She expressed appreciation for the wonderful flyer announcing "Cool Winter Festivities Downtown Bradenton" which Realize Bradenton had created.

Councilman Patrick Roff, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Nothing to report.

Vice Mayor and Councilman Harold Byrd, Jr., Ward V: Referred to the Energy Proclamation presented earlier in the meeting and stated that Florida Power and Light (FPL) had done a makeover of 25 homes in the district which would help the residents save on their energy bills.

Vice Mayor and Councilman Byrd supported the new position of the downtown police patrol officer stating it would only make a positive impact in fighting crime.

Mayor Wayne Poston: Mayor Poston reported that he had been working with a local pastoral group on the "Mayors' Feed the Hungry Program." He stated Manatee County has a big need this year as many people are out of work due to the economy.

Mayor Poston and the council members wished everyone a Happy Thanksgiving and hoped they would enjoy this time with their families.

DEPARTMENT HEADS

Carl Callahan: Stated he would be calling a special meeting within the next week or so to finalize the year end budget adjustments.

Chief Souders: Nothing to report.

Staci Cross: Excused from the meeting.

Carolyn Moore: Nothing to report.

Mayor Poston reminded everyone of the Thanksgiving Luncheon for the city employees, to be held on Tuesday, November 23rd from noon to 2 p.m. under the old oak tree in front of City hall, weather permitting.

Chief Radzilowski: Announced that Officer Adrian Meridan had left for his third deployment for 12 months to Afghanistan and wished him well and God Speed.

Dave Beauchamp: Stated that the Southwest Florida Water Management District voted a Phase 1 watering shortage for 16 counties, effective December 1st, to alert the public regarding watering use. He stated at this time would not affect watering days.

Mr. Beauchamp announced that a pilot plant permit had been received which would allow 1.5 million gallons of water a day into the Aquifer Storage Recovery (ASR) wells.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:20 a.m.

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