

**CITY COUNCIL MEETING  
September 14, 2005**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on September 14, 2005 at 8:30 a.m.

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

**City Officials:** Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Larry Frey, Development Services Director; and Staci Cross, Information Technology Director.

**Press:** Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Ecumenical invocation was led by Richard Allshouse, Outreach Pastor, Community Church of Christ, Bradenton/Sarasota Congregation.

Flag salute was led by Mayor Poston.

Councilman Ward I Gene Gallo was excused from the meeting.

**APPROVAL OF MINUTES:**

**APPROVAL OF MINUTES for August 10, 2005 and for September 1, 2005.**

No discussion followed.

**MOTION TO APPROVE the minutes for August 10, 2005 and September 1, 2005 was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**CONSENT AGENDA:**

**Carl Callahan**

**8a) REQUEST BY Rich Coffey to hold the annual event the "Taste of Manatee" to raise money for Meals on Wheels, November 5<sup>th</sup> and 6<sup>th</sup>, on Old Main Street from 3<sup>rd</sup> Avenue West to Barcarrota Boulevard to 15<sup>th</sup> Street West.**

**8b) REQUEST BY the Old Main Street Market to hold the "Open Air Market" every Saturday morning from 8:00 a.m. to 1:00 p.m. starting October 1, 2005 to May 13, 2006 on Old Main Street between Manatee Avenue and Barcarrota Boulevard.**

**8d) REQUEST BY the Tree Board to hold a Tree Festival at Love Park on Saturday, September 17, 2005 from 11:00 a.m. to 1:00 p.m.**

**8e) RESOLUTION 05-54 APPOINTING LUCIENNE GAUFILLET TO THE ARCHITECTURAL REVIEW BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.**

**Stipulation** by Vice Mayor Smith that the Old Main Street Farmers Market and the Taste of Manatee work together as the two events overlapped on Saturday, November 5<sup>th</sup> & Sunday, November 6<sup>th</sup> giving the Old Main Street Farmers Market permission to be opened on Sunday, November 6, 2005.

**MOTION TO APPROVE the Consent Agenda Items 8 (a, b, d, and e) with one stipulation for (8a. & b.) was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval. (Councilman Gallo was absent from voting.)**

**8c) REQUEST BY Bradenton Downtown Progress to hold the “Get Down Downtown” event every third Thursday of each month starting September 15, 2005 through June 15, 2006.**

**Mark Eubanks**, representing Bradenton Downtown Progress, thanked Mayor Poston and the Council for supporting the Farmer’s Market. He stated there were currently 60 vendors participating in the market.

**MOTION TO APPROVE Consent Agenda Item 8c. was made by Vice Mayor Smith/Councilwoman Weaver and carried 3-1 for approval. (Councilman Golden was in opposition and Councilman Gallo was absent from voting.)**

**PRESENTATION:**

**BRADENTON POLICE DEPARTMENT - SWEARING IN OF A NEW OFFICER**

Mayor Poston administered the Oath of Office to **Officer George Donahue**.

**BRADENTON FIRE DEPARTMENT - PROMOTION AND RECOGNITION AWARDS**

Chief Souders presented a Service Award plaque to **Hugh Miller**, owner of the Twin Dolphin Marina and to **Charlie Price**, Twin Dolphin Marina Dock Master for their outstanding service in providing the Fire Department the use of a boat slip to dock the Fire Rescue boat.

Chief Souders congratulated Deputy Fire Marshall **Ken Langston** on his promotion to Fire Marshall.

Deputy Chief Chuck Edwards and Deputy Chief David Ezell recognized and awarded service plaques to the following for their service to the Bradenton Fire Department:

EMT/FF **Paul Merucci** for 20-years of service; EMT/FF **Keith Cromwell** for 30-years of service; **Lieutenant Ken Jenkins** for 20-years of service and **Battalion Chief Dan Harris** for 20 yeas of service.

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

**CITIZEN COMMENTS:**

No one came forward.

**COUNCIL REPORTS:**

**Councilman Gene Gallo, Ward I:** Excused absence.

**Councilwoman Marianne Barnebey, Ward II:** Stated she was looking forward to working diligently on the “Tamiami Tomorrow” project with the necessary momentum to resurrect this area of the city.

**Councilwoman Weaver, Ward III:** Stated that she was encouraged by the “Tamiami Tomorrow” project meeting that was recently held for the Council members and the Downtown Development Authority and for the support displayed by all for this important project.

Councilwoman Weaver reported that Councilman Gallo was recuperating well after his surgery and would be returning to a Council meeting in the coming month.

**Vice Mayor Bemis Smith, Ward IV:** Stated how proud he was to see the City of Bradenton fire trucks among a caravan of fire rescue vehicles returning from the Hurricane Katrina disaster zone on the gulf coasts of Louisiana and Mississippi.

**Councilman James Golden, Ward V:** Stated that he, too, was encouraged by the meeting he attended on the "Tamiami Tomorrow" project and looked forward to the revitalization of 14<sup>th</sup> Street.

Councilman Golden announced that the President had declared Friday, September 16, 2005 as a National Day of Prayer for the victims of Hurricane Katrina. Councilman Golden stated that the church communities would be meeting at the Gallo Fire Station on this day and would be collecting various items for distribution to the hurricane victims.

Councilman Golden announced the Tree Festival would be taking place at the Clarence Love Park on Saturday, September 17, 2005.

**Mayor Wayne Poston:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, MANATEE COUNTY, FLORIDA THROUGH ITS MEMBERS GENE GALLO, MARIANNE BARNEBEY, MICHELE WEAVER, BEMIS SMITH AND REVEREND JAMES GOLDEN FORMALLY ADOPTING THE CITY OF OCEAN SPRINGS, MISSISSIPPI AS THE CITY OF BRADENTON'S HURRICANE KATRINA HURRICANE RELIEF SISTER CITY; PROVIDING FOR AND ENCOURAGING RELIEF ASSISTANCE; PROVIDING AN EFFECTIVE DATE.**

**MOTION TO ADOPT the resolution was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**7. BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:**

**a) CP.05.0006 WARD 3 NEIGHBORHOOD 6.01 RS**

Request of King Engineering & Associates, agent for Wares Creek Development LLC, owners for a Small Scale Comprehensive Plan Amendment changing the Future Land Use of the property located at 1915 Manatee Avenue West from City Residential-10 to Professional. (Zoned R-1C).

**FIRST READING OF PROPOSED ORDINANCE 2795**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 1915 MANATEE AVENUE WEST, BRADENTON, FLORIDA 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.05.0006) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 10 TO PROFESSIONAL; 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 2795 for September 28, 2005 was made by Councilwoman Weaver/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**b) LU.05.0010 WARD 3 NEIGHBORHOOD 6.01 RS**

Request of King Engineering & Associates, agent for Wares Creek Development LLC, owners for a Land Use Atlas Amendment to change the zoning designation from Professional and R-1C to PDP for the property located at 1915 Manatee Avenue West (Zoned R-1C).

**FIRST READING OF PROPOSED ORDINANCE 2796**

*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 P*

AND R-1C TO PDP AND A PRELIMINARY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 1915 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

**MOTION TO ACCEPT the first reading and set the second reading and public hearing of ordinance 2796 for September 28, 2005 was made by Councilwoman Weaver/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**c) AX.04.0005 WARD 5 NEIGHBORHOOD 7.02/8.03**

Request of King Engineering, Agent for Mixon Fruit Farms, owner, for an annexation of 229.34 acres located at approximately 2605 26th Ave E. (Zoned County A1, RSF- 4.5, PC-C).

**PROPOSED ORDINANCE 2779 TO SET FOR 2<sup>ND</sup> READING AND PUBLIC HEARING**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 2605 26<sup>th</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

**MOTION TO SET the second reading and public hearing of ordinance 2779 for September 28, 2005 was made by Councilman Golden/Vice Mayor Smith and carried 4-0 for approval.** (Councilman Gallo absent from voting.)

**d) AX.05.0009 WARD 1 NEIGHBORHOOD 4.07 LF**

Request of Maurice Healey, agent for Yulara 2 LLC for annexation of 1.88 acres located at 701 63rd Street West.

**SECOND READING/PUBLIC HEARING OF PROPOSED ORDINANCE 2787**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 701 63<sup>rd</sup> St W AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor.

**Maurice Healey** requested approval of the annexation and displayed a site map depicting the location of a proposed ease of access into the Hidden Lake subdivision.

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

**MOTION TO APPROVE AX.05.0009 Ordinance 2787 was made by Councilman Golden/Vice Mayor Smith and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**e) AX.05.0010 WARD 1 NEIGHBORHOOD 12.02 LF**

Request of Clifford L. Walters, Esq. of Blalock, Walters, Held & Johnson, P.A., Agent for Paradise Pointe, LLC for annexation of 1.4 acres located at 12320 Manatee Avenue West.

**SECOND READING/PUBLIC HEARING OF PROPOSED ORDINANCE 2790**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, 12320 MANATEE AVE W AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor.

**Clifford Walters**, agent gave a brief overview of the 1.41 + acres previously known as the Leverocks Restaurant and parking lot. He requested approval of the annexation and stated that it would be in the best interest of the applicant and the city and met all requirements.

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

Larry Frey gave the Department of Development Services staff report with the staff recommendation based upon the Findings of Fact and Analysis as followed:

1. City services were available to the subject property.

2. The subject property met the remaining requirements for annexation according to Florida Statutes, Chapter 171.044.

3. Annexation of the subject property would eliminate an apparent enclave located in extreme West Bradenton.

He stated the staff recommended a commercial designation for the property as the location was in special flood hazard area.

**MOTION TO APPROVE AX.05.0010 Ordinance 2790 as recommended by the Department of Development Services staff was made by Councilman Golden/Vice Mayor Smith and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**f) SA.05.0001 WARD 4 NEIGHBORHOOD 1.01 RS PUBLIC HEARING**

Request of Allen Yearick, owner for Special Use approval to add outdoor seating to Le Cigar located at 425 12<sup>th</sup> Street West (Zoned C1/UCBD).

The public hearing was opened, those in favor, hearing none.

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

Larry Frey gave the Department of Development Services staff report and recommendation along with the Planning Commission recommendation of the following three (3) stipulations:

1. Sidewalks would be properly maintained weekly and pressure cleaned monthly.
2. Tables and chairs would be stored indoors when the facility was not open for business.
3. Must meet the requirements of the Land Use Regulations, Section 303.k.

Councilwoman Barnebey voiced her concern regarding beverage containers and increased litter noted on the street and requested the downtown establishments to please help clean up Old Main Street.

**MOTION TO APPROVE SA.05.0001 as recommended by the Department of Development Services staff and Planning Commission with three stipulations was made by Vice Mayor Smith/Councilwoman Weaver and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**g) SA.05.0002 WARD 5 NEIGHBORHOOD 7.02B RS PUBLIC HEARING**

Request of Earl Baden, Jr., agent for Manatee County Historical Commission, owner for Special Use approval to add three (3) recently acquired parcels to the Historical Park plan located at 604 15<sup>th</sup> Street East (Zoned C1A).

The public hearing was opened, those in favor.

**Earl Baden** gave a brief overview of the request to expand the boundaries of the Historical Park.

Discussion: Needed improvement of the 15<sup>th</sup> Street East intersection and State Road 64.

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

Larry Frey gave the Department of Development Services staff report and stated the staff and Planning Commission recommended approval with one (1) stipulation as followed:

1. A Special Use amendment would be required for any increase in square feet above 3,000.

**MOTION TO APPROVE SA.05.0002 as recommended by the Department of Development Services staff and Planning Commission with one stipulation was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**h) SA.05.0003 WARD 2 NEIGHBORHOOD 12.02 RS**

**PUBLIC HEARING**

Request of Stephen Thompson Esq., agent for Episcopal Day Private School of Manatee County Inc, owner for Special Use approval to allow the building of a dock approximately 25 8 feet from the north property line on the west side of McLewis Bayou located at 315 41<sup>st</sup> Street West (Zoned C3).

The public hearing was opened, those in favor.

**Stephen Thompson** gave a brief overview of the request to amend a Special Use for an educational facility in order to encompass the remaining 23 acres that were not included in the original Special Use request, and to provide a dock for educational purposes and research with no other structures proposed at this time.

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

Discussion: Boat size and style similar to the Mote Marine boat which was an open fisherman's boat of approximately 15 to 20 feet in length.

Larry Frey gave the Department of Development Services staff report and stated that the staff and Planning Commission recommended approval with three (3) stipulations as followed:

1. The property owner would apply for a Land Use Atlas Amendment for parcel "B" prior to issuance of a building permit for the dock.
2. State permits or waivers from the Department of Environmental Protection (DEP) and the Army Corp of Engineers (ACOE) would be submitted prior to issuance of a building permit for the dock.
3. An amendment subject to the 20% rule may be required if the Department of Development Services Director determines the facilities may be incompatible with or create a nuisance for the residential homes to the south and east.

**MOTION TO APPROVE SA.05.0003 as recommended by the Department of Development Services staff and Planning Commission with three stipulations was made by Councilwoman Barnebey/Councilwoman Weaver and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**i) LU.05.0008 LF**

Request of the City of Bradenton for an atlas map amendment to the Land Use Regulations (LURs) regarding establishing boundaries for the Antique District Overlay.

**SECOND READING/PUBLIC HEARING OF PROPOSED ORDINANCE 2791**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT DELINEATING THE ANTIQUES DISTRICT OVERLAY AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor, hearing none.

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

Larry Frey gave a brief overview of the Department of Development Services staff report with the Department of Development Services staff and the Planning Commission recommending approval.

Vice Mayor Smith stated that the boundaries set forth in this ordinance have been agreed upon by the surrounding community.

**MOTION TO APPROVE LU.05.0008 Ordinance 2791 was made by Vice Mayor Smith/Councilman Golden and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**j) PR.05.0012 WARD 4 NEIGHBORHOOD 20.04 LF**

**PUBLIC HEARING continued**

Request of Bob Attack of Kimley-Horn & Associates, agent for Peninsular Properties LLC and Manatee Corporation, owners, for preliminary PDP approval for a 102-unit condominium project to be known as Mira Isles located at 3700 SR 64 E. (Zoned PDP)

The public hearing was continued from the August 10, 2005 meeting.

Carl Callahan stated that his office had received several petitions, letters, and a VHS tape which had been forwarded to the Department of Development Services.

General discussion: Regarding a VHS tape which had been submitted by Mr. Peter Nelson and had not yet been reviewed by the Council. The video was of a meeting on August 25, 2005 the applicant had with individuals from some of the surrounding community.

Mr. Callahan administered the oath to anyone who had not previously been sworn.

Those in favor.

**Richard Sacchi**, President and CEO of Peninsular Properties, LLC, gave a brief summary regarding the request by Council as to the height of the buildings and traffic concerns.

He stated that this project had followed and exceeded all of the city's recommended procedures and guidelines.

**Bob Frey**, HMTB Corporation (third party consultant), stated that HMTB does 95% of its work with the public sector industry. He reported on the traffic study which focused on the traffic signals and intersection closure on State Road 70. He stated that a previous growth rate study for two larger developments on State Road 64 (Heritage Harbor and Tidewater Preserve) had led to calculations for a 4% growth rate for Mira Isles as it was a smaller development.

**David Campbell**, Engineer for Kimley-Horn and Associates, gave a summary of the visual impact the project would have on the surrounding areas. He displayed photographs depicting "fly balloons" indicating the height and location of the buildings.

Councilwoman Barnebey voiced her displeasure that the applicant did not show photographs of abutting property around the proposed development as had been previously requested of the applicant.

**Mark Bentley**, attorney for the applicant, submitted a page of multiple photographs stating that one of the photos depicted an abutting property.

Those in opposition.

**Peter Nelson**, River Isles resident, discussed a videotape which was previously submitted and referred to a letter stating that the videotape his wife had taken on August 25, 2005 was the meeting between the applicant and the River Isles residence.

He voiced his concern with what this project would do to the river ecosystem.

**Martin Wahlers**, River Isles resident, submitted additional petitions with a total of over 700 people in opposition of the project. He stated that as someone who had worked in construction forty years he was not against development but was opposed to this development due to the height of the project and incompatibility with the surrounding area.

**Joan Pinto**, River Isles resident, voiced her concern regarding the height, elevation of the property and negative impact the development would have on the Braden River ecosystem. She estimate that 90 - 95% of the residents were in opposition to this development.

**Karen Ciemnicki**, Friends of the Braden River, displayed an aerial view of the site with an overlay transparency of the proposed project which depicted the dredge area and boat slips on the Braden River and their impact on, the Mangrove fringe, and oyster beds. She questioned the marina which was indicated on a rendering.

**Joe King**, a licensed architect, addressed the issue of proper stewardship of the Braden River and displayed a scale model of the three eight-story buildings alongside models of existing buildings in the downtown area (the eight-story Professional Building, the nine-story Manatee County Administrative Complex and the eight-story Manatee River Hotel) to aid in visualizing what the proposed buildings would look like on the six acre property.

He stated he was not against height in the downtown area but that the scope of this development did not belong on this small parcel of property.

**Julia Flanigan**, River Isles resident, submitted photographs and referred to a rendering of the proposed 48 "floating docks." She voiced her concern regarding the dredging of various locations in the Braden River that the developer would have to do to accommodate the boats they wanted to dock.

She asked for renderings of what the developer would ask the Army of Corp of Engineers to dredge.

**Sandra Ripberger**, representing the Sierra Club, submitted a photograph taken from the State Road 64 bridge which clearly showed a sandbar and narrow waterway in the Braden River. She stated that there would have to be extensive dredging in this area in order to place 46 boat slips and voiced her concern for the ecosystem damage the dredging would cause.

**Lois Congdon, Beverly Morrow, and Phil Hodson** voiced their opposition to the height of buildings on waterways, the destruction of Mangroves and wildlife along the river bank which would be caused by the dredging. They voiced their concern regarding the increased traffic congestion on State Road 64 that this development would cause.

#### APPLICANT IN REBUTTAL.

**Dave Campbell**, Kimley-Horn, stated that the developer had no plans for a boat fueling station or for any removal of mangroves, only trimming of mangroves. He asked that, should the Army Corp of Engineer approve more boat slips than what the Department of Development Services staff or the Planning Commission allowed (10 and 25, respectively), the developer would be allowed to come back to the Council with the Corps' recommendation.

**Mark Bentley**, attorney stated that the Council had directed the applicant to come back with more information regarding the impact on traffic and that Mr. Frey, HMTB Corporation had answered the traffic issues satisfactorily.

Mr. Bentley stated that city's rules clearly state the set backs allowed for increased in height. He referred to a River Isle resident whose home was immediately adjacent to the project and was in favor of the proposed development. He referred to photographs, which used tethered balloons, taken at various locations to reflect the visual impact the buildings would have on the area.

Councilman Golden voiced his concern about the visual impact which the height of the project would have on the area. He said this was why the Council had requested photographs of what the project would look like. He asked if the applicant could speak to the concerns of those in opposition regarding the height of the three buildings.

Mr. Bentley stated that a registered state of Florida surveyor had confirmed that the height of the balloons was to scale with the height of the proposed buildings.

Public hearing was closed.

Larry Frey stated that the Department of Development Services staff report had been previously presented at the August 10, 2005 Council meeting. Mr. Frey spoke of the city's height standards and other considerations as to design, zoning recommendation, flood hazard area and traffic impact on State Road 64.

Bill Lisch requested Mr. Frey to explain the residual issues regarding the flood hazard elevation of the project.

Mr. Frey stated that to raise the elevation of the property would mean that the sea wall would also need to be replaced. He did not believe that a natural shoreline could be created with elevation of the property above the 8-foot contour line. He questioned as to whether a natural shoreline would be enough to provide a structural reinforcement for tresses.

Mr. Frey discussed boat slips and stated that, in his opinion, 46 boat slips were too many for this area of the Braden River, and the Department of Development Services staff recommendation remained for only 10 slips.

Mr. Frey voiced his concerns with four areas of the Comprehensive Plan stating that there would be no high density in special flood hazard areas. He stated that the city required that the applicant notify all those who would be affected by a project and assumed that the applicant had done so.

Vice Mayor Smith voiced his concern with the density and intensity of the proposed project on this parcel of property and for the density of the boat slips on the waterway of the Braden River. He stated that the project was a good and beautiful project but not right for this small site on the waterway.

Councilwoman Weaver voiced her concern regarding the boat slips, and that the 15 unit per acre was too high a density for this waterfront site. She stated that she did not believe that the seawall could be replaced with a natural coastline. She stated she did not believe that this was the proper project for this site.

Councilman Golden voiced his concern that, though this was beautiful project, and he had no question that the developer was a good developer who built quality projects, that this project was not the project for this site.

**MOTION TO DENY PR.05.0012 Mira Isles request for the following reasons based upon the comments and testimony of the adjoining property owners, as well as to the rest of the other portions of the record:**

**1. The proposed eight-story buildings adjacent to the single family one-story residences are incompatible due to their closeness.**

**2. The proposal is inconsistent with the city's comprehensive plan in these following areas:**

**a. Policy 2.1.5 requires the restoration of natural shorelines rather than repair or replacement of seawalls. While staff believes that, in this particular instance, policy does not seem to make clear sense, it is an adopted policy, and until the comprehensive plan is changed, the sea walling would be in violation.**

**b. The property is currently within the special flood hazard area and encompassed by objective 5.5 which states that the city shall seek to keep the population and investment low in areas of coastal flooding. Policy 5.5.1 limits residential development to low density below the eight (8) foot contour line. The city's low-density categories are three (3) to six (6) units per acre and not the fifteen (15) units per acre requested, which was among the highest density allowed. Approval of a project subject to the ability to raise the land above the eight (8) foot contour line is premature. Policy 5.5.4 of the comprehensive plan discourages the location of high-density residential projects in high priority evacuation zones.**

**3. We would also decline to grant a conceptual approval for forty-six (46) boats slips as requested. The applicant has to submit their application and supporting documents to the Army Corp of Engineers and Southwest Florida Water Management District (SWFWMD) to receive permission for a specific number of docks or slips. It would be premature for the city to approve a specific number of boat slips prior to those applications being submitted and acted upon by those**

**agencies. Those agencies have the expertise to review such requests and, it is the city's belief that what they determine would have a direct bearing on this request. The motion to deny the request until review procedures should be done first so that the record would be available should this application come back to Council was made by Councilwoman Barnebey/Councilwoman Weaver and carried 4-0 to deny.** (Councilman Gallo was absent from voting.)

(Recessed for lunch 12:35 pm)

**k) MA.05.0009 WARD 4 NEIGHBORHOOD 1.01 LF**

**PUBLIC HEARING**

Request of Wilson Miller Inc, agent for The Promenade at Riverwalk LLC, owners for a Major Amendment to a Preliminary Planned Development Project to modify the height of buildings 8 and 9 from eight stories to fifteen stories located at 800 3<sup>rd</sup> Avenue West. (Zoned PDP).

The public hearing was opened.

**Jan Smith**, Sandpile LLC and investor in the project, stated that urban living with river views was what people wanted. He stated that a quality project such as this would bring people downtown and would help to redevelop downtown Bradenton.

He requested the remaining two buildings be increased from eight (8) to fifteen (15) stories with a quality design to open views with extra green space.

**Bob Hatfield**, project developer, gave a detailed description of the design for a taller, thinner building with views from every unit which would result in making it a better project.

**Betsy Benac**, referred to a letter from WilsonMiller which explained the revision of the development plan. She stated that, with the buildings made taller and thinner, it would create more of a green space throughout the development.

**Ed Vogler**, attorney and investor, gave a brief overview of the development with changes made to buildings 8 and 9 to increase the height and with changes to the hallway in the back of the building to give all units a view of the Manatee River.

Mr. Vogler stated that for a community that offers an urban environment, a river view was the desired amenity, each building would have a unique and distinctive design and façade.

He offered to have the Council be a participant of the development design as this project was one of the most important elements for the downtown city area.

Vice Mayor Smith asked if there would be an encroachment on the city park with these changes.

Mr. Vogler said there would be no encroachment.”

Discussion: Increased parking spaces and more open green space.

Mayor Poston stated that the market prices were increasing and that these types of units would increase economical development by creating businesses and more jobs.

Councilman Golden stated he wanted to create a more open design with wider sidewalks.

Discussion: Access to Rossi Park and construction of sidewalks throughout the development and around the lake that would have connectivity to the park.

Lengthy discussion: Space to hold public events and widening the sidewalks.

**Ron Allen**, General Partner for Bradenton Riverfront Partners, stated that the real estate market was creating a synergy in the downtown area with other opportunities likely to be created in the future. He stated that his development was a key factor to continue the synergy in the downtown area.

**Deborah Cooper**, as a resident of Bradenton over twenty years and chairperson of the Downtown Development Authority Board, spoke in favor of the development as she was excited about how it would create the gateway into the downtown area and a major focal point for the City.

**Bernard Crogan**, downtown developer for the Riverwalk Professional Park, stated he was in favor of the development and that this developer had proven himself with the creation of the Mainstreet Apartment complex.

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

Larry Frey gave an overview of the Department of Development Services staff report and the Planning Commission's recommendation of denial of the project and referred to the prominent effect this project would have in the downtown core. The height and location of the project with respect to the Comprehensive Plan and Land Use Development Regulations had not been well addressed.

He requested guidance from the Council as to what they wanted to see in the downtown core and stated that this was the most important development the City would ever face with a lot riding on the success of this project.

Councilman Golden stated that there were no other unique sites like this in Bradenton and that the waterfront was a gateway into the city.

Councilman Golden stated that the city had to trust the developers as to what was best for the waterfront and reminded everyone that no other developer had ever invited the Council to partake in the design of the buildings.

Vice Mayor Smith asked about completing the loop from the east side of town to the west via Rossi Park.

Mr. Vogler stated that the developer perhaps could set up a budget for landscaping and improvements in that area which would also be a plus for the project and an additional contribution to the community.

Discussion: Addressing where the public restrooms should be placed.

Mr. Vogler stated he would like to see the public restrooms next to restaurants or retail buildings similar to malls or other public areas.

The following seven stipulations were previously approved at the May 28, 2003 City Council meeting.

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 a 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 restroom 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 treatments 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 7<sup>th</sup> Street West from the hotel to the commercial development.

**Two added stipulations:**

1. Buildings 1, 8, and 9 shall each have a unique and independent architectural design and facade. The architectural design and facades of Building 8 and 9 shall be approved by the City Council of the City of Bradenton.

2. That the developer and Mayor Poston work together to reach an agreement for landscaping and improvements for the full park area.

**MOTION TO APPROVE MA.05.0009 with seven stipulations in place with two additional stipulations was made by Vice Mayor Smith/Councilman Golden and carried 3-1 to approve with Councilwoman Barnebey in opposition.** (Councilman Gallo was absent from voting.)

<b>8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:</b>
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**f) RESOLUTION 05-56 OF THE CITY COUNCIL CITY OF BRADENTON, FLORIDA, DECLINING TO PROVIDE FOR EARLY VOTING IN THE CITY ELECTIONS FOR THE YEAR 2005; PROVIDING AN EFFECTIVE DATE.**

Councilwoman Barnebey stated that none of the Council members want to deny voters from voting, however, due to the financial expense she would support the resolution.

Discussion: Absentee voting could still be used should voters want to vote prior to Election Day.

**MOTION TO APPROVE Resolution 05-56 was made by Councilwoman Weaver/Vice Mayor Smith and carried 3-1 for approval with Councilman Golden in opposition.** (Councilman Gallo was absent from voting.)

**g) WATER TANK LEASES FOR NEXTEL**

Mr. Callahan recommended approval of the 1801 17<sup>th</sup> Avenue West site and stated that the 1915 8<sup>th</sup> Avenue East lease amount should read \$24,000, not \$20,000.

No discussion followed.

**MOTION TO APPROVE two water tank leases for Nextel located at 1801 17<sup>th</sup> Avenue West and the 1915 8<sup>th</sup> Avenue East with the correction was made by Councilman Golden/Councilwoman Weaver and carried 3-0 for approval.** (Vice Mayor Smith and Councilman Gallo were absent from voting.)

**Larry Frey**

**a) DESIGN & COMPATIBILITY STUDY**

Mr. Frey gave a brief overview of the study and stated that the City's portion would be \$29,317.55 which would be taken out of his budget.

**b) STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) ANNUAL REPORT**

Public hearing was opened.

Jeana Winterbottom stated that this was an annual report with staff recommending approval.

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

**MOTION TO APPROVE the SHIP Annual Report was made by Councilman Golden/Vice Mayor Smith and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**John Cumming**

**a) SWFWMD WARES CREEK BRIDGES FUNDING AGREEMENT**

Mr. Cumming requested approval for the final design of the Wares Creek Bridges, (9<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup> and 17<sup>th</sup>) which was supported by SWFWMD with matching Cooperative Grant Funds (50% match).

**MOTION TO APPROVE the request for the SWFWMD Wares Creek Bridges Funding Agreement was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**Chief Souders**

**a) RESOLUTION NO. 05-57 OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, SUPPORTING THE UTILIZATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS); PROVIDING AN EFFECTIVE DATE.**

Mr. Callahan stated that this resolution was required for federal funding. He added that everyone had learned some vital lessons from the disaster in Louisiana and Alabama and this resolution would help assure that proper decisions would be implemented.

**MOTION TO APPROVE Resolution 05-57 was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**Bill Lisch**

**INTERLOCAL AGREEMENT WITH MANATEE COUNTY FOR STORM DEBRIS CLEANUP**

Mr. Lisch stated that this agreement would allow the city to use alternative contractors for debris removal for a backup.

Mr. Cumming stated that with proper authorization the city would be reimbursed by FEMA.

**MOTION TO APPROVE the Interlocal Agreement was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**DEPARTMENT HEADS:**

**Carl Callahan:** Reminded everyone of the second reading and public hearing of the 2005 – 2006 budget at 5:01 p.m. on September 21, 2005.

On behalf of Staci Cross, Mr. Callahan reminded everyone that a new phone system would be installed this weekend in City Hall with the new main phone number of (941) 932-9400 to be used on Monday, September 19<sup>th</sup>.

**Deputy Chief Ezell:** Reported that all the Fire Department personnel had returned from duty in Hancock County in Mississippi.

**Chief Radzilowski:** Nothing to report.

**John Cumming:** Reported that Blake Hospital had acquired the land for an access road on the north side of the building.

Reported that the Tenth Avenue Drainage Project plans had been completed and submitted to FDOT and SWFWMD for approval.

**Larry Frey:** Nothing to report.

**Bill Lisch:** Stated that he received a proposal to settle the Riverdale lawsuits. He stated that the settlement recommended the city to “de-annex” the five-acre parcel recently annexed into the city.

**MOTION TO DE-ANNEX five-acres out of the city limits was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**MOTION TO PURCHASE A NEW PODIUM MICROPHONE was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Gallo was absent from voting.)

**Carolyn Moore:** Excused absence.

<b>ADJOURNMENT:</b>
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There being no further business, Mayor Poston adjourned the meeting at 3:45 p.m.

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