

APPROVED BY
June 8, 2005
CITY COUNCIL

**CITY COUNCIL MEETING
May 25, 2005**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on May 25, 2005 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo, 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 Reverend Jack Barnes, Central Christian Church.
Flag salute was led by Mayor Poston.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR MAY 11, 2005.

No discussion followed.

MOTION TO APPROVE the May 11, 2005 minutes was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

PRESENTATION:

BRADENTON POLICE DEPARTMENT - SWEARING IN OF NEW OFFICER

Mayor Poston administered the Oath of Office to **Dean Buttitta**.

ONE-STOP COMMUNITY RESOURCE CENTER

Mary Ruiz, President of Manatee Glens, **Connie Shingledecker**, Chairperson for the Kiwanis Club, and **Adele Arosa**, Executive Director for the Manatee Coalition for the Homeless spoke on behalf of the homelessness concerns and the problems in the downtown Bradenton area. They requested approval to support the One Stop Resource Center and to review three potential sites for the center within the City of Bradenton.

Troy Dugan, Tamiami Business Owners Association, and **Brad Steube**, Manatee County Sheriff's Office voiced their support of the One Stop Resource Center and in finding a positive location for the center.

Lengthy discussion: Reviewing site locations and the time line in which to apply for Community Development Building Grant (CDBG) funds.

Matt McLachlan, Department of Development Services Assistant Director gave a brief overview of the process intended to end chronic homelessness within ten years. He stated that he would like to have the Department of Development Services staff review the three potential site locations with the recommendation to come back to Council in the next six months.

Jeana Winterbottom, Grants & Assistance Manager answered questions regarding the Community Development Building Grant (CDBG) funding and the area in which it served.

MOTION TO APPROVE the request to support the One Stop Resource Center and to direct the Department of Development Services staff to work with Manatee County to evaluate locations within the Community Development Building Grant (CDBG) areas and to report back to Council at the next meeting with the time line to support the acquisition and commitment by August, 2005 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Ashley Canesse, Robert F. Riegel, Charles John Martens, and Rita Dralus in writing supported the One Stop Resource Center.

EVALUATION AND APPRAISAL CONSULTANTS

Larry Frey gave a brief report on the Evaluation and Appraisal Report (EAR) Scope of Services.

RECOMMENDATION FOR APPROVAL by Larry Frey to expend \$150,000 for Glatting Jackson, et al, Inc. to perform the EAR scope of services to be paid over two budget years; \$100,000 would be expended from the 2004-2005 current budget and the remaining \$50,000 to be included in the 2005-2006 budget. Approximately \$9,000 may be funded by the CDBG program as part of the Housing Element scope.

Francis Marino with **Nancy Roberts**, representing Glatting Jackson, a Community Planning Firm, gave a brief scenario with handouts of Glatting Jackson's overview of the EAR process.

MOTION TO APPROVE as recommended by Larry Frey to hire Glatting Jackson, et al, Inc. was made by Vice Mayor Smith/Councilwoman Barnebey and carried 5-0 for approval.

RECOMMENDATION FOR APPROVAL by Larry Frey to expend \$56,000 for Glatting Jackson, et al, Inc. to develop the Annexation Strategy scope of services at a cost of \$28,000 to be expended from the current 2005-2006 budget year and the remaining \$28,000 to be included in the 2005-2006 budget.

Questions were asked and answers given regarding a Comprehensive Plan Review Committee, and the advertising process with six meetings needed between June through October, 2005.

MOTION TO APPROVE as recommended by Larry Frey to hire Glatting Jackson, et al, Inc. to develop the Annexation Strategy was made by Vice Mayor Smith/Councilman Gallo and carried 5-0 for approval.

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

CITIZEN COMMENTS:

Carol Stronstorff, Vice President of the Society for Prevention of Cruelty to Patients, voiced her concern for important healthcare issues that were not properly reported.

Lee Martin, speaking on behalf of Manatee County Contractors, requested a revision in the city laws which required that a contractor had to leave his ladder in place with access to the roof for the city inspector. He stated that he personally had lost six ladders in the last three years and voiced his concern for liability precautions.

Discussion: Department of Development Services had one ladder for the roof inspector who did the majority of the roof inspections and that the two other inspectors had never needed ladders.

MOTION TO APPROVE the request by Lee Martin to change the city laws regarding contractors having to leave ladders for roof inspectors and to purchase two ladders was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

Patrick Roff, Wares Creek resident expressed his appreciation for **Cynthia Hooper**, a Wares Creek neighbor who organized a Wares Creek neighborhood yard sale to donate all proceeds for an "Extreme Home Makeover" project for another neighbor who had a life threatening disease.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

REQUEST by Councilman Gallo to have John Cumming attempt to secure state funding with the cooperative participation of the city and county to obtain street lighting on Manatee Avenue.

MOTION TO APPROVE John Cumming to attempt to secure state funding with the cooperative participation of the city and county for Manatee Avenue street lighting was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

REQUEST by Councilman Gallo to have only one morning meeting in July, 2005 and one morning meeting in August, 2005.

Councilwoman Barnebey voiced her concern that citizens who worked during the day needed an evening meeting for land use issues.

Discussion: The possible need for more meetings with future planning issues could be accomplished by scheduling a special meeting if needed.

MOTION TO APPROVE having only one morning meeting in July, 2005 and one morning meeting in August, 2005 was made by Councilman Gallo/ Councilman Golden and carried 3-2 for approval with Councilwoman Barnebey and Councilman Golden in opposition.

Councilwoman Marianne Barnebey, Ward II: Thanked everyone who supported her in getting out of jail during the Muscular Dystrophy fundraiser event.

Councilwoman Barnebey thanked everyone who worked and attended the Blue Star Salute on Saturday, May 21, 2005.

Councilwoman Barnebey thanked everyone who supported the Westfield Neighborhood Park Clean-up event on 7th Avenue behind Foodway Market on Manatee Avenue.

Councilwoman Barnebey referred to a memorandum dated May 18, 2005 she had sent to Mayor Poston regarding the department head retreat. She voiced her concern that she had not been informed of when the retreat would be held as she would have liked to have submitted topics of discussion.

General discussion: The department head retreat had been listed in the budget.

Councilwoman Weaver, Ward III: Nothing to report.

Vice Mayor Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: Thanked Sherod Halliburton for the ground breaking ceremony for the first public Central Community Redevelopment Agency Project.

Mayor Wayne Poston: Congratulated the Mayor of Tampa for hosting the 2009 Superbowl.

Mayor Poston stated that the county was seeking to purchase the Pat Neal property on the south side of Perico Island. Mayor Poston stated that a cooperative effort was needed for the city and county to apply for state funding assistance of approximately \$7 million dollars to help purchase this property. Mayor Poston stated that Larry Frey was working on amending the city's comprehensive plan to address this process.

REQUEST BY Mayor Poston to change the comprehensive plan to have the city and county staff work together in applying for the county to purchase a south side piece of property on Perico Island currently owned by Pat Neal.

Discussion: Possible funds from matching grants, or from the county's environmental millage dollars or the Florida Community Trust with 66 million dollars available.

MOTION TO APPROVE the request by Mayor Poston to change the comprehensive plan and that the city and county work together in applying for the county to purchase a south side piece of property on Perico Island currently owned by Pat Neal was made by Councilman Gallo/Councilwoman Barnebey and carried 5-0 for approval.

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

a. SF-05-0003 WARD 2 NEIGHBORHOOD 12.02 RS

Request of Leo Mills & Associates Inc., Agent for Manatee River Community Development Corporation, owner for a subdivision final plat approval located at 3400 Riverview Boulevard West. (Zoned R1B).

MOTION TO TAKE ITEM SF-05-0003 OFF THE TABLE was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval. (Vice Mayor Smith abstained from voting.)

Vice Mayor Smith stated he would abstain from voting as he had a business involvement with Bill Manfull the owner of the property.

Larry Frey stated that this application was for a subdivision on a two-lot 1.4 acre parcel and recommended approval of the request.

Councilman Gallo stated he had received calls from several citizens upset with this request, but that the request had been properly followed and that there was no legal reason why this request could not be approved. In addition if the request was not approved the city would face a lawsuit.

MOTION TO APPROVE SF 05-0003 as there was no legal reason why this request could not be approved and if it was not approved the city would face a lawsuit was made by Councilman Gallo/Councilman Golden and carried 4-0 for approval. (Vice Mayor Smith abstained from voting.)

b. LU-05-0005 WARD 3 NEIGHBORHOOD 1.01 MM PUBLIC HEARING

Request of Deborah Schreiber, agent for several Point Pleasant homeowners for a Land Use Atlas Amendment to change the zoning designation from R3B to R1C. (Zoned R3B)

SECOND READING OF PROPOSED ORDINANCE 2785 PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MULTI-FAMILY R3B TO SINGLE FAMILY R1C WITH AN EXEMPTION FOR THE PROPERTY LOCATED IN NEIGHBORHOOD 1.01, DOWNTOWN AND IS COMMONLY REFERRED TO AS POINT PLEASANT AND LEGALLY DESCRIBED.

Public hearing was opened; those in favor.

Deborah Schreiber gave a lengthy overview of the process to change the zoning designation from R3B to R1C in the Point Pleasant neighborhood.

She referred to a booklet she submitted describing the historical value of the Point Pleasant neighborhood which consisted of predominantly single-family homes with the request to rezone only fifty-four (54) parcels; three owned by developers, two were parking lots for "The Shores"; four were duplexes, and the remaining parcels as single-family homes.

She submitted a petition with signatures and letters from **Judith Alvis**, 202 18th Street Northwest and **Mireille McGail**, 229 North 18th Street West, who voiced their approval of the rezoning request.

Those who spoke in favor were as followed:

Ed Vogler, downtown property owner, **Richard Stagner**, resident, **Virginia Smith Lambert**, resident, **Jo Williams**, resident, **Marvin Slovacek**, resident, **Gary Schmikel**, developer, **John Scott**, resident and **Susan Hassle**, resident spoke in favor of the request citing the important need for historical preservation and the fact that the older historical homes were not lived in by property owners and were falling into disrepair.

Claudia Schmitt, resident stated that she was neutral with the request as she was in favor of historical preservation but stated she was in agreement with the Department of Development Services suggestion as followed: “A better avenue to consider was a stricter height restriction to the R3-B zoning district for the subject area that would cap building height to two stories or 45 feet with no exceptions. A more detailed review and study may warrant a reduction closer to the existing 35 foot building height average for two story structures.”

Patrick Roff spoke neutrally of the request stating that Wares Creek was different and unique from the Point Pleasant neighborhood as the Wares Creek neighborhood was in decline with evidence of blight conditions and high proportions of rental properties.

Those who spoke in opposition:

Terry Lawrence, resident requested to not approve this request to continue with future progress and that he and **Sheila Leach** did not want to be included in this petition and that this petition was not done in a true and factual manner with inequalities within the process.

Jim Farr, agent for D.T.L.C., LLC, Hood property owners, spoke of consistency, compatibility for rezoning issues and changes in the downtown area.

Jim Dye, and **Patricia Petruff**, representing D.T.L.C., LLC, Hood property owners, stated that one of the three Hood parcels was included in the rezoning which the owner was in opposition to and that the rezoning would result in the boundary meandering throughout the Point Pleasant neighborhood which was not based on the city’s comprehensive plan and that it was not compatible with the comprehensive plan.

Jim Dye submitted a map showing the three parcels in question owned by D.T.L.C., LLC.

Frank Tsikitas, restaurant owner, voiced his opposition of the rezone stating that the downtown area needed more residents as there was not enough to support restaurants.

Michele McCarthy, resident, voiced her disapproval of the rezone, stating that there was an injustice made in the way the petition was created and handled.

Deborah Schreiber asked the Council, should they deny her request to please address other alternatives to save the historical homes in Point Pleasant and not wait two years as there were more and more homes being destroyed every day.

Dan Natuno, on behalf of **Linda Chapman** stated that she did not want to be included in the petition.

Public hearing was closed.

Larry Frey gave a brief overview of the evaluation report by the Department of Development Services staff and stated that the Department of Development Services staff and Planning Commission recommended denial of the request based on the negative impact of the inconsistency of the boundaries and for the inadequate support and policy direction in the Comprehensive Plan to justify the proposed change to R1-C.

Mr. Frey reiterated his option to protect the historical preservation as stated in the report “A better avenue to consider was a stricter height restriction to the R3-B zoning district for the subject area that would cap building height to two stories or 45 feet with

no exceptions. A more detailed review and study may warrant a reduction closer to the existing 35 foot building height average for two story structures.”

Mr. Frey went on to say that if deemed appropriate, a Historic District Overlay or similar mechanism could be established to incorporate design guidelines to ensure that future development and redevelopment would be in keeping with the historic context, scale, character, and desirable attributes of the Point Pleasant neighborhood.

Matt McLachlan gave a PowerPoint presentation of the Point Pleasant neighborhood that reiterated the Department of Development Services staff report and recommended that the request be denied based the fact that the request was inconsistent with the comprehensive plan and findings of the Department of Development Services staff report.

General discussion: That rezoning Point Pleasant would not preserve the historical structure of the existing houses and that the objective was to design a plan that would assist with the historical preservation of these houses.

MOTION TO DENY LU-05-0005 and to allow the Department of Development Services staff to review the Point Pleasant neighborhood to return to Council with a recommendation for historical preservation was made by Councilwoman Weaver/Councilman Golden and carried 4-1 to deny. Councilwoman Barnebey in opposition.

c. AX-05-0008 LF

Request of Stephen Thompson, Agent, for Southern Hospitality Assoc., LLC, owner, for an annexation of 5.62 acres located at 407 48th Street Court East (Zoned County A1).

FIRST READING OF PROPOSED ORDINANCE 2786

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 407 48TH ST CT EAST AND LEGALLY DESCRIBED.

Mr. Callahan recommended to accept the first reading and to table this request, to set the time to be determined as the applicant needed some time to satisfy an issue on a piece of land regarding this annexation.

Bill Lisch stated that this parcel was a small strip of property adjacent to the other annexations on 48th Street Court East and was needed in order to widen the street.

MOTION TO APPROVE AX05-0008 for the first reading of Ordinance 2786 and set the second reading and public hearing time set to be determined was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Chief Radzilowski

a. Forfeiture Fund Request – S.C.O.P.E.

Chief Radzilowski requested the donation of \$10,000 to the Ward Temple Summer Outreach program. He indicated that a certain portion of these funds were mandated to go to projects similar to this.

Discussion: That the balance in the Forfeiture Fund was approximately \$100,000.

MOTION TO APPROVE the Forfeiture Fund Request was made by Councilman Gallo/Councilwoman Barnebey and carried 5-0 for approval.

BUSINESS BY APPOINTMENT:

Sherod Halliburton/Central Community Redevelopment Agency (CCRA)

RESOLUTION 05-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA AUTHORIZING THE CENTRAL COMMUNITY REDEVELOPMENT AGENCY TO ISSUE ITS PROMISSORY NOTES, SERIES 2005A AND SERIES 2005B, IN THE PRINCIPAL AMOUNTS OF \$1,000,000 AND \$2,500,000, RESPECTIVELY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that one million dollars of the loan would count toward the city's bank qualified debt for this year and that the city was not responsible for this debt.

Mr. Callahan recommended approval of the request.

MOTION TO APPROVE Resolution 05-24 as recommended by Carl Callahan was made by Councilman Gallo/Councilman Golden and carried 4-0 for approval. Councilwoman Weaver was absent from the Chamber.

Carl Callahan:

RECOMMENDATION BY Mr. Callahan to approve two lease agreements with MetroPCS for wireless communications equipment on two water towers located at 2905 6th Avenue West and 260 6th Avenue West.

Mr. Callahan stated that a third request for the 59th Street water tower was still under review.

MOTION TO APPROVE the request by MetroPCS lease agreements as recommended by Carl Callahan was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

Mr. Callahan, on behalf of Staci Cross, gave a brief overview of the current problems with the existing phone system in City Hall and that the city had outgrown the current system. He stated that a new system for City Hall would have enhancements for better service to the citizens and a better quality system at a cost of \$38,000 (\$728.10 per month over five years.)

Mr. Callahan recommended approval of the request to implement the new phone system as soon as possible.

MOTION TO APPROVE the request to implement the new phone system for City Hall as recommended by Mr. Callahan was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

Chief Souders: Nothing to report.

Staci Cross: Excused absence.

Chief Radzilowski: Nothing to report.

John Cumming: Stated that Jones, Edmunds and Associates, Inc. (JEA) was currently analyzing the city's utility system needs due to growth and annexations with a final draft which should be available for Council in July, 2005.

Mr. Cumming stated that the Public Works department was currently reviewing the commercial solid waste rates as the rates were about 20% under those of the County's Waste Management.

He stated that the county had raised the tipping fees at the landfill and that these were also being reviewed for a possible increase.

He stated that the Public Works Department was still working with Verizon on the fiber optic system for an acceptable permitting schedule and standards to follow so they would not destroy water, sewer lines, and other utilities. He commented that there had been three water lines broken yesterday.

Larry Frey: Stated that he would be visiting the Grants and Assistance offices more often in the coming months.

Bill Lisch: Nothing to report.

Carolyn Moore: Excused absence.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 10:45 p.m.

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