

**CITY COUNCIL MEETING  
June 9, 2010**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on June 9, 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; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

**Press:** The Herald and The Bradenton Times.

**MAYOR FOR A DAY – PAUL BRIGHT - 3<sup>RD</sup> GRADER AT ST. JOSEPH’S SCHOOL**

The meeting was called to order by Mayor of the Day Paul Bright.  
Invocation led by Pastor Shirley Baucom, Kingdom Life Christian Church.  
Pledge of Allegiance was led by Mayor of the Day Paul Bright.

*Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.*

CITIZEN COMMENTS

Manatee County Commissioner **John Chappie** thanked Claude Tankersley for the informative presentation he had given yesterday at the County Commissioners’ meeting on the Downtown Mobility Study.

**Ingrid McClellan**, Keep Manatee Beautiful Executive Director, presented the Palma Sola Scenic Highway Beautification Award from the Manatee River Garden Club to Claude Tankersley and the Public Works Department for their landscape maintenance on the Palma Sola Causeway.

CONSENT AGENDA

- a) Minutes of May 26, 2010.
- b) Maintenance of Traffic (MOT) Plan 13<sup>th</sup> Avenue East Road Closure. /SK
- c) MOT Plan for 6<sup>th</sup> Avenue Drive East & Hubble Road- Road Closure. /SK
- d) FDLE JAG Addendum. /JW
- e) Public Event – July 4, 2010, Sunday, Celebration on Old Main Street request by Old Main Street Merchants, Inc.
- f) Public Event – October 16, 2010, Saturday, ArtSlam, part of Ringling International “Art Festival’s Sartee” request by Realize Bradenton.
- g) Resolution 10-35 – Adopting fees and charges for vending licenses.
- h) Resolution 10-36 – Appointing Michele Weaver to the Downtown Development Board.

**MOTION TO APPROVE Consent Agenda Items a-h excluding item e was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 5-0 for approval.**

Discussion on Item e: The fire and police departments did not sign off on the permit application due to the traffic gridlock that had occurred at last year’s July 4<sup>th</sup> event. That the First Baptist

Church 4<sup>th</sup> of July event already had 13<sup>th</sup> Street closed off during the day to be reopened prior to the ending of the fireworks display.

**Joe Bennett**, representing Old Main Street Merchants stated that 3<sup>rd</sup> Avenue West had always remained open during all of the events the merchants held on Old Main Street. He stated that the July 4<sup>th</sup> event would be more of a family friendly event. He stated there would be fewer vendors than usual and that the street would be reopened prior to the ending of the fireworks.

**MOTION TO APPROVE Consent Agenda Item e. with one stipulation to reopen Old Main Street prior to the end of the fireworks was made by Councilman Smith, seconded by Councilman Roff and passed 5-0 for approval.**

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**RV.10.0025 WARD 4 NEIGHBORHOOD 7.02A RS PUBLIC HEARING**

Request of Jan Morris Hoey, owner; for vacation of a portion of right of way abutting 335 22<sup>nd</sup> Street Court Northeast. (zoned R-1).

**RESOLUTION NO. 10-34**

A RESOLUTION PURSUANT TO SECTION 2.2.7, CITY OF BRADENTON LAND USE REGULATIONS, RIGHT-OF-WAY VACATION OF A PORTION OF 22<sup>ND</sup> STREET COURT NORTHEAST (OBSERVATION COURT), AND LEGALLY DESCRIBED.

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

**Jan Hoey**, 333 22<sup>nd</sup> Street Court Northeast and property owner of 335 22<sup>nd</sup> Street Court Northeast gave an overview of a historical inconsistency on the property description which indicated that the street was a square when the street had always been a circle. He requested the vacation to correct this discrepancy.

Those in opposition, please come forward. No one came forward, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with staff and Planning Commission recommendation for approval with one stipulation that the area be designated as an access and utility easement.

**MOTION TO APPROVE RV.10.0025, Resolution 10-34 with one stipulation was made by Councilman Smith, seconded by Vice Mayor and Councilman Byrd and passed 5-0 for approval.**



**CP.09.0027 WARD 4 NEIGHBORHOOD 20.04 RS PUBLIC HEARING**

Request of Grimes Goebel et al, agent for Bacon, Bennett & Kezar, owners; for a Comprehensive Plan Amendment to change the designation from County Residential 3 and Residential 6 to City SCC (Suburban Commercial Corridor) for the property located at 907 57<sup>th</sup> Street East.

**SECOND READING OF PROPOSED ORDINANCE NO 2918**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 907 57<sup>th</sup> STREET EAST AND 5704 SR 64 EAST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT **CP.09.0027**) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RES-3 AND RES-6 TO CITY SUBURBAN COMMERCIAL CORRIDOR (SCC), PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**LU.10.0045 WARD 4 NEIGHBORHOOD 20.04 RS**

**PUBLIC HEARING**

Request of Grimes Goebel et al, agent for Bacon, Bennett & Kezar, owners; for a Land Use Atlas Amendment to change the designation from County A-1 and RSF-2 to City SCC (Suburban Commercial Corridor) for the property located at 5704 State Road 64 East.

**SECOND READING OF PROPOSED ORDINANCE NO. 2919**

AN ORDINANCE AMENDING ORDINANCE NO. 2913, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1, SUBURBAN AGRICULTURE AND RSF-2, TO CITY SCC, SUBURBAN COMMERCIAL CORRIDOR OR OTHER APPROPRIATE ZONE FOR THE PROPERTIES LOCATED AT 5704 SR 64 EAST AND LEGALLY DESCRIBED.

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

**Caleb Grimes** agent gave an overview of the land use process which needed to go to the Department of Community Affairs to request the adoption of the land use designation then of the zoning designation.

Those in opposition, please come forward. No one came forward, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with staff recommendation for approval.

**MOTION TO APPROVE CP.09.0027, Ordinance 2918 with the recommendation made by the Planning and Community Development staff was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 5-0 for approval.**

**MOTION TO APPROVE LU.10.0045, Ordinance 2919 with the recommendation made by the Planning and Community Development staff was made by Councilman Smith, seconded by Councilman Roff and passed 5-0 for approval.**

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**SU.10.0074 WARD 5 NEIGHBORHOOD 1.01 RS**

**PUBLIC HEARING**

Request of Don Sturiano, agent for Hummingbird Industries, owner; for a Special Use to allow a Religious Establishment at 825 9<sup>th</sup> Street West (zoned UCBD, Urban Central Business District).

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

**Pastor Don Sturiano** gave a brief overview of the property previously known as the old Badcock Furniture Store building on 9<sup>th</sup> Street West and 9<sup>th</sup> Avenue West. He asked for a special use permit to use the building for a church facility to be known as Kingdom of Life Christian Church with a five year lease. He displayed renderings of the site plan, building and landscape design.

Those in opposition, please come forward. No one came forward, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with staff recommendation for approval with six (6) stipulations as follows:

1. The approval was for a period not to exceed five (5) years.
2. Maximum occupancy would be determined by the Fire Marshal and Building Official. It was currently limited to 250. To remove 14 fixed seats from the sanctuary.
3. Interior renovations may be phased upon approval of a phasing plan by the Fire Marshal and Building Official. Areas under construction cannot be occupied.
4. Parking on the east side of the subject property would be grassed.

5. No cooking was permitted in the building without upgrade to commercial standards in conformance with building and fire codes.
6. Landscaping around the paved vehicular use areas would be installed and/or replaced in order to meet code requirements.

PLANNING COMMISSION RECOMMENDATION (May 19, 2010): For approval with one additional stipulation:

7. To provide a 24-foot drive aisle on the east side of the building.

**MOTION TO APPROVE SU.10.0074 with the recommendations made by the Planning and Community Development staff and Planning Commission with (7) stipulations was made by Vice Mayor and Councilman Byrd, seconded by Councilman Roff and passed 5-0 for approval.**

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**SU.10.0075 WARD 1 NEIGHBORHOOD 12.05B RS**

**PUBLIC HEARING**

Request of Suzanne Thompson of IDI Group, agent for Manatee County, owner; for a Special Use to allow a passive Recreational Facility to be known as Neal Preserve Nature Park (zoned PDP, Planned Development Project).

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

**Suzanne Thompson** agent, gave an overview of the Neal Preserve Nature Park consisting of approximately 120 acres of mangroves, wetlands and archeological sites purchased by Manatee County located south of Manatee Avenue on Sarasota Bay with only 5 acres of the wetlands to be used for the park.

Those in opposition, please come forward. No one came forward, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with staff recommendation for approval with the following four (4) stipulations:

1. Refuse areas must be screened.
2. Provide a landscape buffer between the parking area and the Manatee Avenue West right-of-way with native materials, subject to approval of the Planning and Community Development Director.
3. The decorative fence and gate must have a Knox lock.
4. The parking area may require expansion if it was determined that visitors were parking vehicles on the right-of-way of Manatee Avenue West creating an unsafe condition. Parking may be increased subject to the approval of the Planning and Community Development Director.

PLANNING COMMISSION RECOMMENDATION (May 19, 2010) was for approval with 4 stipulations as recommended by staff.

**MOTION TO APPROVE SU.10.0075 with the recommendations made by the Planning and Community Development staff and Planning Commission with (4) stipulations was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.**

## NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Chief Radzilowski

### **2011 JAG APPLICATION**

Jeana Winterbottom requested the application plan be opened for public comment.

Mayor Poston opened the meeting for public comment. No one came forward, The public comment was closed.

**MOTION TO APPROVE the 2011 JAG Application was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 5-0 for approval.**

### COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Nothing to report.

**Councilwoman Marianne Barnebey, Ward II:** Reminded everyone that the 13<sup>th</sup> Avenue Sports Night was this Friday, June 11<sup>th</sup>.

Councilwoman Barnebey announced that the Manatee Association of Retarded Citizens would be holding a furniture sale this weekend. She stated Disney had donated the furniture from one of their properties and that proceeds would go to Assisted Group Homes.

**Councilman Patrick Roff, Ward III:** Stated he had accompanied his wife, Barbara, to Orlando where she was attending a conference. While she was in the conference, he had gone to check out the public art in the downtown area. He stated he had been invited to go on a tour with the Orlando Downtown Development Authority. He stated he found that Orlando had capitalized on the market and had done some fantastic improvements to include a beautiful public art program.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Vice Mayor and Councilman Harold Byrd, Jr., Ward V:** Nothing to report.

**Mayor Wayne Poston:** Presented a certificate, and a key to the city, to Paul Bright, Mayor for the Day.

### DEPARTMENT HEADS

**Carl Callahan:** Nothing to report.

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** He stated he was hosting a reception to celebrate his 40<sup>th</sup> year in law enforcement and invited everyone to come on June 23<sup>rd</sup> from 5-6 p.m. in the hall area outside the Council Chamber just prior to the City Council meeting.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Commented that the bus location on 13<sup>th</sup> Avenue was only temporary while the sidewalks were being replaced on 12<sup>th</sup> Street next to the courthouse.

**Carolyn Moore:** Nothing to report.

### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:45 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.