

**CITY COUNCIL MEETING
March 9, 2005**

**APPROVED BY
March 23, 2005
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 March 9, 2005 at 8:30 a.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: David Beauchamp, Administrative Services Director, John Cumming, Public Works Director, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, and Larry Frey, Development Services Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Vice Mayor Smith.
Ecumenical invocation was led by Reverend Dee Graham, Transitions Church & Support Group.
Flag salute was led by Councilwoman Weaver.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR FEBRUARY 23, 2005.

No discussion followed.

MOTION TO APPROVE the February 23, 2005 minutes was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

PRESENTATION:

BRADENTON POLICE DEPARTMENT - SWEARING IN OF NEW OFFICER

Vice Mayor Smith administered the oath of office to **Ross Johnson**.

PUBLIC WORKS EMPLOYEES RECOGNITION

John Ormando introduced the February Employee of the Month as **Corbett Mathews** from the Solid Waste Department, March Employee of the Month as **Richard Beck** from the Water Treatment Plant.

Mr. Ormando introduced the Team of the Quarter as **Gerald Jenkins**, and **Alphonso White** from the Solid Waste Department and the Supervisor of the Quarter as **Ricardo Ramos**, Superintendent of Solid Waste.

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

CITIZEN COMMENTS:

Carol Stronstorff, Vice President of the Society of the Cruelty to Patients gave a report on several health care news alerts that had not been reported in the newspaper.

Len Sirotzki, Co-chair for Blue Star Salute announced that there would be a tribute to honor our men and women in uniform on May 21, 2005 beginning at 11:00 a.m. at McKechnie Field.

Debra Schreiber, Point Pleasant resident submitted copies of the City's Land Use Development Regulations (LUDR) Section 200. E (1) regarding the Zoning Atlas Amendment. She distributed a petition of neighbors requesting a zoning atlas amendment. She stated that this petition was a request to change the zoning designation from high density multi-family R-3B to single family R-1C, for the Point Pleasant neighborhood properties.

Lengthy discussion of the interpretation of LUDR Section 200 E (1) which read as followed:

"An amendment to the zoning atlas may be requested by a property owner(s) or may be initiated by the Department of Development Services Director, Planning Commission or the City Council. For a group of property owners to qualify as an applicant, at least 51 percent of the property owners of the area proposed for change must make the request."

Ms. Schreiber stated she followed the instructions given to her by the Department of Development Services and then later was told differently of those rules. She stated she disagreed with Mr. Frey and Bill Lisch interpretation of the LUDR requirements.

Ms. Schreiber stated she had 38 signatures from 58 property owners which were more than the required 51 percent. She requested of the Council to move forward with the petition as submitted.

Bill Lisch stated he gave his opinion to Mr. Frey that the LUDR requirements for the 51 percent were of taxable parcels of property owners in the area.

Lengthy discussion: That the Council relied fully on the staff and the City attorney's opinion.

DECISION BY THE COUNCIL: To instruct the City staff to do a more thorough study with the possibility of the City rezoning Point Pleasant and that Ms. Schreiber discuss with her fellow neighbors as to the requirements made by Larry Frey and Bill Lisch for the 51% of the overall taxable property owners. To come back with the cooperation for the betterment for all the citizen's who live in the Point Pleasant neighborhood.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

REQUEST BY Councilman Gallo to reconsider bringing back to Council annexation AX 04-0004 Ordinance 2774 which had been denied 3-2 at the February 23, 2005 Council meeting.

Councilman Gallo stated that the reason why he voted against annexation AX 04-0004, Ordinance 2774 at the February 23, 2005 meeting was that Stephen Thompson, attorney for Cedarwood Development, Inc. stated that the developer should not have to pay impact fees, nor develop 48th Street Court East or develop the intersection at State Road 64 and 48th Street Court East.

MOTION TO APPROVE to bring back AX 04-0004 Ordinance 2774 for reconsideration was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

Discussion: Procedures for reconsideration of the annexation, proper notice for the annexation which should be listed as an agenda item.

Councilman Gallo stated he met with Mr. Thompson and stated that the developer now stated that he would pay impact fees, reconstruct the road, and the intersection.

Councilman Gallo requested approval to adopt the annexation.

Discussion: Tabling the annexation to bring forth at a future meeting. To approve the Department of Development Services staff's two stipulations.

Larry Frey stated that the Department of Development Services staff recommended approval with two stipulations:

1. Future development of the subject properties were subject to the requirements of the ACCORD, including but not limited to impact fee equivalency as defined in the ACCORD, Section 4 B (5).

2. Future development of the subject properties may require certain land use studies and analysis as part of any preliminary or final development approvals, as determined by the Department of Development Services Director.

Councilwoman Weaver stated that she voted against the annexation at the February 23, 2005 meeting because the developer had not agreed to pay the impact fees and that the City staff did not know how to collect and spend the impact fees.

Larry Frey stated that the Interlocal Planning Team met March 8, 2005 with the consultants to create a plan to correct the issues with the ACCORD. Mr. Frey stated that he was conducting an analysis of the impact fee equivalency and would make recommendations to the Interlocal Planning Team of his findings.

Councilman Gallo stated he would not be attending the April 13, 2005 meeting.

MOTION TO TABLE AX 04-0004 Ordinance 2774 to April 13, 2005 as recommended by the Department of Development Services staff with two stipulations was made by Councilwoman Barnebey/Councilwoman Weaver and carried 4-1 with Councilman Gallo in opposition.

Councilwoman Marianne Barnebey, Ward II: Thanked the City staff who had attended a meeting at the Ironwood - Pinebrook Condominiums to discuss the median changes for the entrance into the complex.

She announced a Red Cross event at Gold Bank on Cortez Road on Saturday, March 12, 2005.

She announced that the Manatee River Garden Club would be celebrating their 75th anniversary at the Crosley Estate on March 16, 2005.

Councilwoman Weaver, Ward III: Stated that the demolition had begun for the new park by the shuffleboard courts on 14th Street.

Vice Mayor Bemis Smith, Ward IV: Reminded everyone of the Great American Clean-up on Saturday, March 12, 2005.

Councilman James Golden, Ward V: Nothing to report.

Mayor Wayne Poston: Excused absence.

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

a) SECOND READING OF ORDINANCE 2776

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Public hearing opened, those in favor, hearing none.

Those in opposition, hearing none, public hearing closed.

MOTION TO APPROVE ordinance 2776 was made by Councilman Gallo/Councilman Golden and carried 4-0 for approval. Councilwoman Weaver was absent from the Chambers.

b) CP 04.0001 WARD 1 NEIGHBORHOOD 4.05/4.06 MM

Request of Stephen Thompson, agent for Trotzale Properties, owner for approval of a small scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County RES-3 to Professional, or other appropriate designation for the property located at 5716 21st Avenue West (Zoned County PRM)

SECOND READING OF ORDINANCE 2777

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5716 21ST AVENUE WEST, BRADENTON, 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.04.0001) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 3 TO CITY PROFESSIONAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing opened those in favor.

Stephen Thompson stated that this property of less than one acre was recently annexed into the City with the County designation as RES 3. He stated that the zoning change to Professional was consistent with the adjacent properties. He stated he was in agreement with the Department of Development Services staff recommendation and requested approval.

Those in opposition, hearing none, public hearing closed.

Larry Frey gave the Department of Development Services staff report and stated that the staff recommended approval of the request.

MOTION TO APPROVE CP 04-0004 Ordinance 2777 as recommended by the Department of Development Services staff was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

c) LU.04.0004 WARD 1 NEIGHBORHOOD 4.05/4.06 MM

Request of Stephen Thompson, agent for Trotzale Properties, owner for approval of a Land Use Atlas Amendment to change the designation from County PRM to Professional, or other appropriate designation for the property located at 5716 21st Avenue West (Zoned County PRM)

SECOND READING OF ORDINANCE 2778

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 COUNTY PRM TO CITY PROFESSIONAL FOR THE PROPERTY LOCATED AT 5716 21ST AVENUE WEST AND LEGALLY DESCRIBED.

Public hearing opened those in favor, hearing none.

Those in opposition, hearing none, public hearing closed.

Larry Frey gave the Department of Development Services staff report and stated that the staff recommended approval of the request.

MOTION TO APPROVE LU 04-0004 Ordinance 2778 as recommended by the Department of Development Services staff was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

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

David Beauchamp

a) REQUEST BY Scott Hillman contact person for Harvest Chapel to hold a Praise and Worship Service at the Amphitheater in Rossi Park on Saturday, March 12, 2005 from 11:00 a.m. to 1:30 p.m.

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

b) REQUEST BY Angela Barker to hold her wedding ceremony in front of the Holiday Inn on the riverfront on Saturday, April 16, 2005.

Discussion: The reception would be held at the Holiday Inn Riverfront.

MOTION TO APPROVE the request was made by Councilwoman Barnebey/Councilman Golden and carried 5-0 for approval.

c) REQUEST BY Walter Wade with the Sacred Heart Catholic Church requesting a Religious Procession on March 25, 2005 with a street closure on 12th Avenue, 16th Avenue, 14th Avenue and 15th Avenue for a short period of time.

Discussion: That this event took place last year with no reported problems.

MOTION TO APPROVE the request was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

d) **RESOLUTION 05-14**

A RESOLUTION APPOINTING **LAWRENCE COVINS II** TO THE **FIRE PENSION BOARD** FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

No discussion followed.

MOTION TO APPROVE Resolution 05-14 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

e) **RIVER RUN GOLF COURSE GREENS AND DRAINAGE RENOVATIONS**

REQUEST BY Dave Beauchamp to proceed for bid and set a cap on funding not to exceed \$569,840 for the proposed renovation of the City's River Run Golf Course.

Discussion: The renovation would repair the drainage problems and that funds would be paid by the revenue generated from the golf course.

MOTION TO APPROVE the request from Dave Beauchamp was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

f) **RESOLUTION 05-16**

A RESOLUTION AUTHORIZING A LOAN IN THE AMOUNT OF NOT TO EXCEED \$7,700,000 TO REFINANCE A PORTION OF THE CITY'S UTILITY SYSTEM REFUNDING REVENUE BONDS, SERIES 1995A; APPROVING THE FORM OF AN AUTHORIZING THE EXECUTION OF A PROMISSORY NOTE AND A LOAN AGREEMENT WITH BANK OF AMERICA, N.A.; AUTHORIZING AN INTEREST RATE HEDGE TRANSACTION WITH BANK OF AMERICA, N.A.; AUTHORIZING THE REDEMPTION OF THE BONDS TO BE REFINANCED; AND PROVIDING AN EFFECTIVE DATE.

Discussion: Resolution requested by the bank to refinance an existing loan with a saving of \$456,000.

MOTION TO APPROVE Resolution 05-16 was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

8. Larry Frey

a) REQUEST FOR BUILDING ELEVATION REVISION - 6510 CORTEZ ROAD WEST.

Mr. Frey stated the previous approval on August 11, 2004 was for a LeRoy Selmans free standing restaurant owned by Outback restaurant chain. Mr. Frey stated that Outback was now proposing a Paul Lee's Chinese Kitchen.

Ruth Seewer, Development Review Manager stated that the Chinese restaurant proposed building was smaller than the previous approved LeRoy Selmans restaurant and that the design would blend in more with the new shopping center.

Mr. Frey stated that the Department of Development Services staff recommended approval of the architectural change based on compatibility with the proposed shopping center.

MOTION TO APPROVE the request as recommended by the Department of Development Services staff was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

b) EVALUATION AND APPRAISAL REPORT UPDATE

Mr. Frey stated that the City's Evaluation and Appraisal report was due to the state in April, 2006. He stated a proposal went out for bid to hire consultants to update the comprehensive plan which was a large project to begin now to meet the April, 2005 deadline.

He stated several companies combined who responded making up the team of Glatting Jackson, sub-consultants Wade Trim and HNTB Corporation.

He stated that preliminary surveys would be sent out for public input requesting their opinion of issues in the community and evaluation of the city, something that had never been done in the past.

REQUEST BY Larry Frey to move forward with the process for the Evaluation and Appraisal Report.

Matt McLachlin, Department of Development Services Assistant Director stated he would be overseeing this extensive and costly process which was required by the state.

Questions were asked and answers given regarding the Community Development Block Grant (CDBG) elements of the process.

Jeana Winterbottom, Grants & Assistance Manager gave a brief synopsis of the project identifying the needs of the community for affordable housing and assistance for other projects.

MOTION TO APPROVE the request from Larry Frey was made by Councilwoman Weaver/Councilman Golden and carried 5-0 for approval.

c) FUTURE BUILDING PROJECTS INSPECTIONS

Larry Frey gave a brief report on several large scale building projects some were already under construction and others in the process to begin construction. He voiced his concern for the number of inspections that would be required on a daily basis for these projects with Department of Development Services currently doing an average of 65 inspections per day between 3 building inspectors.

Mr. Frey listed three options: (1) To authorize funding for an additional, multi-disciplined, full time inspector. (2) To authorize overtime for the inspectors on an as needed basis. (3) To hire a private inspection company to be available on short notice as needed.

Lengthy discussion: Of the options presented and funds available.

Darin Cushing, Plans Examiner gave a brief report of the daily current inspections and options presented.

ACTION: Mr. Frey stated based on the information today the staff would do further study and bring back additional information with a proposal for the Council to consider.

Ken Gano, Building Official suggested a combination of all three options depending on the various projects.

John Cumming stated that with these future projects the Public Works Department would have to inspect certain areas of the projects such as infrastructure, utilities and roads, etc. He stated he currently had two inspectors with one retiring within the year.

Mr. Cumming stated he was currently reviewing the possibility of hiring another inspector to supplement the heavy inspection time and to replace the retired inspector.

d) RESOLUTION 05-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CITY'S LOCAL HOUSING ASSISTANCE PLAN 2002-2003, 2003-2004, AND 2004-2005.

Mr. Frey stated that the Grants & Assistance Community Relations Board approved to increase the purchase price of a home eligible for down payment assistance from \$99,000 to \$140,000 which was addressed in the resolution.

Jeana Winterbottom, Grants & Assistance Manager answered questions regarding future increases to be evaluated at that time.

Ms. Winterbottom recommended approval to better utilize the SHIP funding and to serve the Bradenton community.

MOTION TO APPROVE Resolution 05-15 as recommended by the Grants & Assistance Board was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

REQUEST BY Councilman Golden to direct the Community Development Department to draft a resolution in support of maintaining of separate funding and a separate department for the Community Development Block Grant and the City of Bradenton opposes the absorption of the Community Development Block Grant program into the Department of Commerce and opposes any cut backs in any Community Development Block Grant funding.

Discussion: To draft the resolution with the language given by Councilman Golden to be addressed which could possibly be changed at a future Council meeting.

Larry Frey reiterated Councilman Golden's request to sustain the CDBG program should the federal government eliminate the program which would mean a \$552,000 commitment from the City and to oppose the elimination of such move by the federal government.

MOTION TO APPROVE the request was made by Councilman Golden/Councilwoman Weaver and carried 4-1 for approval with Vice-Mayor Smith in opposition.

Chief Radzilowski

a) FORFEITURE FUND

REQUEST BY Chief Radzilowski to purchase seventy (70) X-26 advanced Tasers and the equipment to train the officers in the use of the Tasers at an approximate cost of \$65,200.00.

Officer Tim Smith gave a demonstration of the powerful affect and use of the Tasers assuring Councilman Golden that the officers were highly trained in the use of these Tasers which could save a life of an officer.

MOTION TO APPROVE the request by Chief Radzilowski was made by Councilwoman Barnebey/Councilwoman Weaver and carried 5-0 for approval.

DEPARTMENT HEADS:

David Beauchamp: Nothing to report.

Chief Souders: Stated that the fire department had completed their annual strategic meeting stating that the department was on target for accreditation and the five year plan.

Chief Souders stated that Deputy Chief Ezell and he would be attending in Tampa a Contraflow Planning meeting of development and design for the reverse traffic flow during an emergency evacuation across the state.

He stated on March 28, 2005 a Downtown Construction Information meeting would be held in the auditorium. He stated the purpose of this meeting was to discuss current and future construction in the downtown area and determine the impact it would have on the various public service agencies, businesses, employees, parking and traffic flow.

Staci Cross: Excused from the meeting.

Chief Radzilowski: Reported on "Operation Sunshine" regarding how the City was going to address the graffiti issue which was previously addressed at the February 23, 2005 meeting.

John Cumming: Reported on the Great American Clean-up this weekend.

Larry Frey: Reported that the LUDR changes were scheduled to go before the Planning Commission and should come forth for Council review sometime in April, 2005.

Bill Lisch: Nothing to report.

Carolyn Moore: Excused from the meeting.

ADJOURNMENT:

There being no further business, Vice Mayor Smith adjourned the meeting at 11:55 a.m.

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