

**CITY COUNCIL MEETING  
February 11, 2004**

**APPROVED BY  
FEBRUARY 25, 2004  
CITY COUNCIL**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on February 11, 2004 at 8:30 a.m.

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

**City Officials:** Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, John Cumming, Public Works Director, Alan Prather, Sitting in for City Attorney, Mark Souders, Fire Chief, Major J. J. Lewis, Police Department, 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 prayer was led by Pastor Doug Aldrink, Bradenton Christian Reformed Church.  
Flag salute was led by Mayor Poston.

**APPROVAL OF MINUTES:**

**Approval of Minutes for January 14, 2004.**

No discussion followed.

**MOTION TO APPROVE the January 14, 2004 minutes was made by Vice Mayor Golden/Councilman Smith carried 5-0 for approval.**

**PROCLAMATION:**

**ENGINEERS WEEK PROCLAMATION**

**Raj Mathur**, Professional Engineer accepted the proclamation on behalf of the Florida Engineer Society- FES.

**BLACK HISTORY MONTH PROCLAMATION**

**Irene Ingram**, NAACP President accepted the proclamation on behalf of the NAACP Manatee County Branch.

**PRESENTATION:**

**PUBLIC WORKS RECOGNITION**

John Ormando recognized **Harry Peterson**, Water Reclamation Facility as “Supervisor of the Quarter” and **Anita Winters** as the February “Employee of the Month”.

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

**PUBLIC COMMENTS:**

**Carol Stronstroff**, 2615 60<sup>th</sup> Street West voiced her concern that Blake Hospital had an invalid license by not transferring their occupational license under Florida law. She implied that the City was trying to keep records from her and/or deleting records.

**Ruth Tibernini**, 1012 Estremadura representing the American Columbia Association asked that the cost to rent the Bradenton Auditorium be waived as they were a new organization just created with no funds.

Discussion: Reasonable rates to rent the auditorium.

**ACTION:** The city could not waive the auditorium fees due to the auditorium operating expenses and that it would cause precedent for future requests.

**COUNCIL REPORTS:**

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

**Councilwoman Marianne Barnebey, Ward II:** Stated that the County recently approved the Fireworks Ordinance which included the City unless the City wished to opt out. She recommended NOT opting out as there were many citizens in favor of this ordinance.

**ACTION:** Verbal agreement among the Council to be included under the County's Firework's Ordinance.

The Lewis Park clean-up would be held on Saturday, March 6<sup>th</sup> at 8:30 a.m.

**Vice-Mayor Michele Weaver, Ward III:** Nothing to report.

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

**Councilman James Golden, Ward V:** Nothing to report.

**Ingid McClellan**, Executive Director Keep Manatee Beautiful gave a brief overview of the City wide Great American clean-up starting March 6, 2004.

**County Commissioner Gwen Brown** requested that the City reconsider allowing 13<sup>th</sup> Avenue Community Center to move to 24<sup>th</sup> Street Recreation Park. She stated that the County would continue to maintain the park with a commitment of \$100,000 and requested a commitment from the City of \$75,000.

Lengthy discussion: A letter from the 13<sup>th</sup> Avenue Community Center stating they did not want to move to 24<sup>th</sup> Street Park. That the Center had not recently contacted the City to further discuss moving to 24<sup>th</sup> Street. Would \$175,000 be sufficient funds to support a new facility?

**ACTION:** Direct Carl Callahan to present the facts and position of the City to the 13<sup>th</sup> Avenue Community Center Board then come back to City Council for determination.

**Mayor Poston:**

Announced the half-cent sales tax referendum was important to save environmentally sensitive lands and would be placed on the March primary elections ballot.

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

**SECOND READING OF PROPOSED ORDINANCE # 2748**

**PUBLIC HEARING**

**CPA-M-04-01 WARD 4 NEIGHBORHOOD 20.02 LF**

Request of Thomas C. McCollum, AICP, Zoller, Najjar & Shroyer, L.C., agent for Tom Brown Real Estate Investments, LLC, owner for approval of a small scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County Res-6 to City Commercial or other appropriate designation for the property located at 5101 S.R. 64 East. (Zoned Res-3)

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5101 STATE ROAD 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 (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-04-01) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL-6 TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Public hearing opened. Those in favor.

**Thomas McCollum** briefly described the small parcel which was not included in the past approval for the property located at 5101 S.R. 64 East.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Planning Commission and Department of Development Services staff recommended approval of the request.

**MOTION TO APPROVE ordinance # 2748 as recommended was made by Councilman Smith/Vice Mayor Golden carried 5-0 for approval.**

**SECOND READING OF PROPOSED ORDINANCE # 2749**

**PUBLIC HEARING**

**LUR-AA-04-01 WARD 4 NEIGHBORHOOD 20.02 LF**

Request of Thomas C. McCollum, AICP, Zoller, Najjar & Shroyer, L.C., agent for Tom Brown Real Estate Investments, owner for approval of a Zoning Atlas Amendment to change the designation from County A-1 to City PDP or other appropriate zone for the property located at 5101 S.R. 64 East. (Zoned Res-3).

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 AGRICULTURAL-1 TO CITY PLANNED DEVELOPMENT PROJECT (PDP) FOR THE PROPERTY LOCATED AT 5101 STATE ROAD 64 EAST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor.

**Thomas McCollum** briefly described the small parcel which was not included in the past approval for the property located at 5101 S.R. 64 East.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Planning Commission and Department of Development Services staff recommended approval of the request.

**MOTION TO APPROVE ordinance # 2749 as recommended was made by Councilman Smith/Councilwoman Barnebey carried 5-0 for approval.**

**SECOND READING OF PROPOSED ORDINANCE # 2750                      PUBLIC HEARING  
CPA-M-04-02 WARD 4 NEIGHBORHOOD 20.02 JB**

Request of Stephen W. Thompson, Esq., agent for Nordic of Florida Development, Inc., owner for approval of a small scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County Res-6 to City Commercial or other appropriate designation for the property located at 4465 S.R. 64 East. (Zoned Res-6)

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 4465 STATE ROAD 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 (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-04-02) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL-6 TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing opened. Those in favor.

**Stephen Thompson** described the location of the property and requested approval.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Planning Commission and Department of Development Services staff recommended approval of the request.

**MOTION TO APPROVE ordinance # 2750 as recommended was made by Councilman Smith/Vice Mayor Golden carried 5-0 for approval.**

**SECOND READING OF PROPOSED ORDINANCE # 2751                      PUBLIC HEARING  
LUR-AA-04-02 WARD 4 NEIGHBORHOOD 20.04 JB**

Request of Stephen W. Thompson, Esq., agent for Nordic of Florida Development, Inc., owner for approval of a Zoning Atlas Amendment to change the designation from County RSF-6 to City Commercial C-2 or other appropriate zone for the property located at 4465 S.R. 64 East. (Zoned Res-6)

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 RSF-6 TO CITY COMMERCIAL-2 FOR THE PROPERTY LOCATED AT 4465 STATE ROAD 64 EAST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor.

**Stephen Thompson** described the location of the property and requested approval.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Planning Commission and Department of Development Services staff recommended approval of the request.

**MOTION TO APPROVE ordinance # 2751 as recommended was made by Councilman Smith/Councilwoman Weaver carried 5-0 for approval.**

**SECOND READING OF PROPOSED ORDINANCE # 2752 PUBLIC HEARING  
H-ARB-04-02 WARD 4 NEIGHBORHOOD 7.03 LF**

Request of Jack Wilson, Agent, Vanguard Realty Group II, Inc. for Historic Preservation Property Tax Exemption on a building located at 905 Manatee Avenue East. (Zoned C-1)

AN ORDINANCE ACKNOWLEDGING THE GRANTING OF THE HISTORIC PROPERTY TAX EXEMPTION PURSUANT TO THE APPLICATION OF VANGUARD REALTY GROUP, INC. FOR PROPERTY LOCATED AT 905 MANATEE AVENUE EAST; PROVIDING FOR DATE THAT EXEMPTION WILL EXPIRE; PROVIDING FOR FINDING THAT SAID PROPERTY MEETS THE REQUIREMENTS OF THE HISTORICAL PRESERVATION PROPERTY TAX EXEMPTION ORDINANCE FOR THE CITY OF BRADENTON; PROVIDING FOR INCLUSION OF HISTORIC PRESERVATION COVENANT; PROVIDING AN EFFECTIVE DATE.

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that no public response had been received by public notice. The Architectural Review Board recommended approval of the request and met all requirements.

**MOTION TO APPROVE ordinance # 2752 as recommended was made by Councilman Smith/Councilwoman Barnebey carried 5-0 for approval.**

**SE-03-17 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING**

Request of Paul E. Fields, Jr., owner for Special Exception approval to operate an automotive sales establishment for the property located at 1116 1<sup>st</sup> Street West. (Zoned C-2)

Mr. Callahan read a memorandum dated February 5, 2004 from Ruth Seewer, Development Review Manager stating that the request had been continued to today's meeting to allow the applicant sufficient time to work with the engineering firm of George F. Young, Inc. to submit a new plan. As of this date no additional information had been received.

**James Farr**, AICP George F. Young, Inc. stated that he was preparing plans to submit to Department of Development Services on Friday, February 13, 2004 which would go before the Planning Commission and then to City Council.

**MOTION TO CONTINUE the request to April 14, 2004 was made by Vice Mayor Golden/Councilwoman Barnebey carried 5-0 for approval.**

**SU-04-01 WARD 4 NEIGHBORHOOD 20.04 RS PUBLIC HEARING**

Request of Benderson Development Co., Inc., owner for Special Use approval to add a mixture of restaurant/retail uses at the Braden River Shopping Center located at 4402, 4410 Sate Road 64 East. (Zoned PDP)

Public hearing opened. Those in favor.

**Dave Gustafson**, for Benderson Development Co., Inc., requested approval and concurred that the applicant would abide by all recommended stipulations.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Department of Development Services staff recommended approval of the request with **four (4) stipulations** as followed:

1. The plan would be revised prior to the City Council meeting to indicate the following:
  - a. Shift the building 1.08 feet to the north. (*Resolved*)
  - b. Relocate the trees from the west and south easement.
  - c. Identify the restaurant area on the building footprint.
  - d. Indicate bumper stops in the parking areas.
2. Install decorative fence and landscape around outdoor seating area.
3. No awning or roof would be permitted over the outdoor seating area because it was within an easement.
4. No new ground sign would be permitted.

Larry Frey stated that the Planning Commission recommended approval of the request with **nine (9) stipulations** as followed:

1. The plan would be revised prior to the City Council meeting to indicate the following:
  - a. Relocate the trees from the west and south easement.
  - b. Identify the restaurant area on the building footprint.
2. Install decorative fence and landscape around outdoor seating area.
3. No awning or roof would be permitted over the outdoor seating area because it was within an easement.
4. No new ground sign would be permitted. The existing sign would be increased to no greater than 96 square feet.
5. Water meter size would meet City of Bradenton codes.
6. The building would be sprinkled.
7. Reverse all arrows in the parking lot.
8. The driveway on the west side would be one way, relocate the “do not enter” signage.
9. Install a gate at the outdoor seating area.

**MOTION TO APPROVE the request as recommended with the 13 stipulations was made by Councilman Smith/Councilman Gallo carried 5-0 for approval.**

**PDP-A-03-22 WARD 1 NEIGHBORHOOD 4.07 RS**

**PUBLIC HEARING**

Request of James Farr, AICP, George F. Young, Inc., agent for HCA-Healthcare Company, owner for a major amendment to the Planned Development Project located at 2020 59<sup>th</sup> Street West (Zoned PDP)

Public hearing opened. Those in favor.

**James Farr** displayed renderings of the new facility and gave a brief description of the Planned Development Project for Blake Hospital with a parking garage.

Questions were asked and answers given regarding the proposed building design, existing helicopter pad, private road to the north of the hospital property, and proposed parking garage.

Those in opposition.

**Carol Stronstroff** voiced her concern that the hospital should follow all local and state requirements for a valid occupational license.

Public hearing closed.

Larry Frey stated that the Department of Development Services staff recommended approval of the request with the following **(4) four stipulations**:

1. The applicant would work with the City of Bradenton to install pavers, flashers, signs, etc., necessary to ensure the crosswalk was safe.
2. The applicant would make all improvements to the private roadway off 59<sup>th</sup> Street in accordance with Public Works.
3. The applicant would work with the City of Bradenton regarding mitigation of the parking lot to help soften the FAR (Floor Area Ratio) increase prior to the City Council meeting.
4. This approval was granted on the condition that the existing Medical Arts building would be removed when improvements outlined in these plans submitted January 8, 2004, are completed.

The Planning Commission recommended approval of the request with the following additional **(2) two stipulations**:

1. Try to work with the owners of the private road to attempt purchase of the property in order to reduce the FAR.
2. The architects should work together to make the renderings blend and/or tie together and make a uniform presentation to the City Council.

**MOTION TO APPROVE the request as recommended with six stipulations was made by Councilwoman Weaver/Vice Mayor Golden carried 5-0 for approval.**

<b>NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:</b>
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**Carl Callahan**

REQUEST from Manatee/Sarasota Fish & Game Association for their public event "Taste of Florida" on Saturday, March 27, 2004 to block off the southern parking spaces on Barcarrota Boulevard in front of City Hall for outdoor cooking in conjunction with renting the City Auditorium.

No discussion followed.

**MOTION TO APPROVE the request was made by Councilman Gallo/Councilwoman Weaver carried 4-1 with Vice Mayor Golden in opposition.**

**INTERLOCAL AGREEMENT FOR PARKING FACILITY**

Mr. Callahan gave a brief overview regarding the terms of the parking facility agreement.

Discussion: Transfer of the MCAT bus station, Downtown Development Authority sunset funds, determination of available spaces, project bonds, overall design and contractor bidding.

Mr. Callahan recommended approval of the agreement subject to the final review by Bill Lisch, City Attorney.

Alan Prather, sitting in for Bill Lisch, noted that several exhibits not attached.

**MOTION TO APPROVE the Interlocal Agreement as recommended and subject to Bill Lisch for final review was made by Councilwoman Weaver/Councilwoman Barnebey carried 5-0 for approval.**

**Mark Souders**

**CONTROLLED BURN – 1225 4<sup>TH</sup> AVENUE EAST**

Chief Souders requested approval by Gus Sokos for a controlled burn at a cost of \$2,600.

Councilman Smith stated he would abstain from voting as he would benefit a profit from the property.

**MOTION TO APPROVE the request was made by Vice Mayor Golden/Councilman Gallo carried 4-0 for approval.** Councilman Smith abstained from voting.

**Chief Radzilowski**

**FORFEITURE FUNDS**

**Major J.J. Lewis** requested approval for an expenditure of \$37,612 to upgrade and replace existing video and audio surveillance equipment.

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

**John Cumming**

**PALMA SOLA SCENIC HIGHWAY**

John Ormando gave details regarding a “West Coast Inland Navigation District” grant involving construction of a boat ramp at the cost of \$50,000 with a grant match of \$25,000 (from next year’s budget) with federal funds to be used for landscape improvements on Palma Sola Causeway.

Mr. Ormando **requested approval** for Mayor Poston to sign the Interlocal Agreement for the beautification of the Palma Sola Causeway and grant application and a Local Agency Program- LAP agreement (federal funding) to use approximately \$35,000 (from current budget) for landscaping improvements on Palma Sola Causeway.

**Ingrid McClellan**, Director of Keep Manatee Beautiful gave a brief overview of the Palma Sola Causeway improvements.

**MOTION TO APPROVE authorizing the City apply for the West Coast Inland Navigation District grant and the LAP funding with Mayor Poston to execute all documents was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval.**

**DEPARTMENT HEADS:**

**Carl Callahan**

Mr. Callahan assured Mayor Poston and the Council that he and Dave Beauchamp were working diligently with Carol Stronstroff giving her documents that she had requested and emphasized that the City had not kept any documents from her.

Mayor Poston stated (for the record) that he and Mr. Callahan had been working diligently on the 13<sup>th</sup> Avenue Community Center to try and resolve their issues.

**Mark Souders**

Nothing to report.

**Staci Cross**

Ms. Cross reported that the Public Works Complex was now connected to the wireless network excluding the water plant which had not yet been connected.

The Eden payroll and human resource system would go live in March.

**Major J.J. Lewis**

Nothing to report.

**John Cumming**

Nothing to report.

**Larry Frey**

Mr. Frey stated that the Community Rating System-CRS Program would be testing and rating the City for flood insurance compliance, Thursday, February 12, 2004. That citizens could now link on-line direct from the City's website to various flood information and organizations.

**Alan Prather**

Nothing to report.

<b>ADJOURNMENT:</b>
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There being no further business, Mayor Poston adjourned the meeting at 11:30 a.m.

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