

APPROVED BY
March 26, 2003
CITY COUNCIL

**CITY COUNCIL MEETING
February 26, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on February 26, 2003 at 6:00 p.m.

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

Also Present: 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, Planning Services Director
Staci Nelms, Information Technology Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Prayer was led by Rev. Katrina Kaiser, Zannah Ministries.

Flag salute was led by Vice Mayor Weaver.

MINUTES:

Minutes for February 12, 2003.

Councilman Gallo abstained from voting as he was absent at the February 12, 2003 meeting.

Motion to approve the minutes of February 12, 2003 minutes was made by Councilman Smith, seconded by Vice Mayor Weaver and carried 4-0.

PROCLAMATION:

AFFORDABLE HOUSING MONTH PROCLAMATION

Jeana Winterbottom, Grants & Assistance Administrator accepted the proclamation on behalf of the Community Development Block Grant Program.

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

PUBLIC COMMENTS:

No one came forward.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Nothing to report.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey invited everyone to the "Just for Girls" fund raiser at the auditorium on March 8, 2003.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver stated that she attended the "Local Heroes" function at Hoagland Auto Sales as a fund raiser for the Salvation Army, PAL and the Foundation for Dreams with Mayor Poston who was one of our "Local Heroes".

Councilman Bemis Smith, Ward IV:

Councilman Smith thanked Chief Souders for the updated briefings on the Code Red security levels regarding the terrorist threats toward our country.

Councilman James Golden, Ward V:

Councilman Golden thanked Larry Frey and the Department of Development Services for the temporary waiver of Impact Fees when granting the permit for the 13th Avenue Community Center.

Councilman Golden announced that the Manatee County Branch of the NAACP was having a community meeting Friday, February 28, 2003 at the Rogers Memorial United Methodist Church.

Councilman Golden announced that "Keep America Beautiful" was organizing this years "Great American Clean-up" starting on March 8, 2003 for the Upper Manatee River area, March 15, 2003 clean up for Bradenton City wide, March 29, 2003 clean-up for Palmetto City wide and April 12, 2003 was County wide clean-up.

Councilman Golden requested the Council to approve a resolution regarding the Transportation Equity Act for the 21st Century - TEA-21. That this act: Provided 217 billion dollars for highway, transit and highway safety improvements. More state and local flexibility to meet mobility challenges. Guarantees that all federal transportation user fees would be used for transportation.

A RESOLUTION OF THE TAMPA BAY REGIONAL PLANNING COUNCIL TO SUPPORT FLORIDA'S RECOMMENDATIONS FOR RE-AUTHORIZATION OF THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY (TEA-21).

Mayor Poston stated that this issue had already been previously approved by City Council and asked if the Council had any objection with Mayor Poston supporting this resolution.

ACTION: Council verbally agreed that they would support Mayor Poston.

Planning Staff recommended approval of the proposed Road Impact Fee Program Methodology and Ordinance and gave a detailed overview of their findings.

Larry Frey stated that the Planning Commission recommended denial of the request with specific reasons to include the following:

1. It was not clear what roads impact fees could and could not be used for.
2. Table 6 included bridges which they thought may not be used for roads impact fee funding.
3. There was a concern that additional meetings with the public may be necessary.
4. The Planning Commission recommended that net square feet be used versus gross square feet.
5. The Planning Commission would like a definition of what specific uses were included in each land use category.

Staff response to the Planning Commission concerns:

1. Sections 5 and 11 of the proposed Roads Impact Fee Ordinance listed the following capital improvements that could be used from impact fee funds:
 - a. Transportation planning
 - b. Land acquisition
 - c. Site improvements
 - d. Construction of new or expanded roads, intersections, and ingress/egress lanes.
 - e. Acquisition of equipment
 - f. Payment of debt service for above capital improvements
 - g. Excluded maintenance and operation.
2. Bridges which would likely be expanded for additional impacts could be included as long as they were growth accommodating.
3. It was up to City Council to determine if additional public input was needed.
4. It was up to City Council to determine how impact fees would be assessed. Staff recommended a gross square feet calculation.
5. The proposed ordinance allowed for interpretation by the Administrative Official for ambiguous land uses, however, a specific list could be made, if so directed, and included in the procedures paper.

Dr. James Nicolas, Professor of law and urban and regional planning at the University of Florida and the leading expert on Impact Fees gave a detailed background and overview of Road Impact Fees.

Questions were asked and answers given.

(TAPE 1, SIDE 2)

Discussion: Development costs. East County developments which have a heavy impact on City roads. Reference to the Road Impact Fee Methodology program. Impact on affordable housing.

(TAPE 2, SIDE 1)

Discussion: State Housing Initiative Partnership (SHIP) Funds. Interest earnings from Impact Fees Trust Fund.

Discussion: What other city's were doing regarding Impact Fees and Real Estate transfer taxes.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward.

Alan Anderson, President of the Manatee County Home Builders and **Jay Brady**, Executive Director Gulf Coast Business Exchange voiced their opposition for Road Impact Fees and requested alternative resources to generate funds for road improvements. They requested a study to see if sufficient revenues would be generated by development.

Mayor Poston closed the public hearing.

Motion to accept the first reading and set the second reading and public hearing for March 12, 2003 was made by Councilwoman Barnebey and died for a lack of second.

Discussion: More study covering the cost of growth within the city limits.

Motion to have the Planning Staff implement a study on development conducive to Road Impact Fees within the city limits and to present another proposal at a future date was made by Councilman Smith, seconded by Councilman Gallo and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

Bongo's Bayside Grille & Bar is requesting approval for a "Raggaeifest" event on Saturday, March 22, 2003 to benefit "Keep Manatee Beautiful".

(TAPE 2, SIDE 2)

Ross Weaver and **Craig Malogrides**, owners of Bongo's with **Ingrid McClellan**, Director of "Keep Manatee Beautiful" Palma Sola Scenic Highway distributed an updated site plan for an outdoor event and gave a brief detail of the site lay out, entertainment and of their involvement within the community.

Discussion: Alcohol, crowd, noise, parking and traffic control.

Bill Lisch stated that the Palma Sola ordinance had an exemption within the ordinance stating:

"Exempt from this provision of this section is the possession or consumption of alcohol beverages at supervised special events or functions for which a permit is obtained from the City of Bradenton prior to such event or function being held."

Larry Frey stated that the Planning Staff did not recommend approval because of the alcohol ordinance on Palma Sola Causeway being unclear. He asked that a **stipulation** be added to include that the recently built dock could not be used for this event, as it was in code violation because it had not been previously permitted therefore it had not been properly inspected and could not be used due to public safety, concerns.

Motion to approve the request with the stipulation was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 3-2 for approval with Councilman Golden and Councilwoman Barnebey in opposition.

Mr. Callahan read the following:

**Community Development Block Grant
5 Year Consolidated Plan**

Mr. Callahan requested a proposal for a consultant service to assist in the preparation of the Department of Housing and Urban Development required 5-year Consolidated Plan. He stated that the recommendation be awarded to **Florida Planning Group, Inc.** in the amount of \$29,500.

Questions were asked and answers given.

Motion to approve the recommendation was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

DEPARTMENT HEADS:

Carl Callahan

Nothing to report.

Chief Souders

Nothing to report.

Staci Nelms

Staci Nelms gave an updated report on the Eden project. She stated that the imaging project would begin in the Department of Development Services.

Chief Radzilowski

Nothing to report.

John Cumming

John Cumming reported that there was plenty of surplus water in the City's reservoir.

Larry Frey

Mr. Frey gave an update on the Monk Building and stated that Scott Tibbetts recently received certification for partial enclosure on the building. He stated that Mr. Tibbetts was revising the façade design which would present a more historical look.

EMERGENCY DEMOLITION

Mr. Frey requested an emergency demolition of a vacant building located at 1301 9th Street West. He stated that a car severely damaged the front of the building which decreased the support of the roof. He stated that this could endanger the public should it collapse if someone was near it.

He requested approval to demolish the building and to place a lien on the property. He stated that Bill Edwards the owner had contacted the Mayor's office stating that he had been notified of the demolition.

Bill Lisch asked Jeff Burton, a licensed Building Official working for the City of Bradenton if he had personally inspected the building.

Jeff Burton, City Planning Manager stated that he had examined the building prior to the automobile hitting the building and that the building had been structurally sound. Mr. Burton commented that the building was on a zero setback on a busy road with people walking by it continuously. He stated due to the car hitting the building that the walls were now endangered of falling in. He stated that this was what prompted the department to initiate an emergency demolition.

Bill Lisch distributed photographs of the building taken by the Code Enforcement Department and asked Jeff Burton if he had seen these photographs.

Jeff Burton stated that he had seen the photograph which accurately reflected the current condition of the building. He stated that the roof had caved in and that the roof helped support the walls from the inside out but they were now no longer structurally sound. He stated that the building would have to be tested by a structural engineer to determine what the overall damage was to the building. He stated that in his opinion the building was over 50% damaged and that the building was not structurally sound and that he had concerns for public safety.

No discussion followed.

Motion to approve the request was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 5-0 for approval.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:00 p.m.

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