

**CITY COUNCIL MEETING
October 8, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on October 8, 2003 at 8:30 a.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 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, Planning 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 led by Councilman Golden.
Flag salute was led by Councilman Gallo.

APPROVAL OF MINUTES:

**Approval of Minutes for August 27, 2003.
Approval of Minutes for September 10, 2003.
Approval of Minutes for September 10, 2003 Budget session.**

No discussion followed.

MOTION TO APPROVE the August 27, 2003, September 10, 2003 and September 10, 2003 Budget session was made by Councilman Gallo/Vice-Mayor Weaver carried 5-0 for approval.

PRESENTATION:

Agenda item 8a taken out of agenda order.

Request by Ervin Barfield and Tami Maggio to hold a wedding under the Oak Tree on the north side of City Hall on Thursday, October 16, 2003 at 3:00 p.m.

Discussion: Many best wishes and blessings for a happy marriage.

MOTION TO APPROVE the request was made by Councilman Gallo/Vice-Mayor Weaver carried 5-0 for approval.

PUBLIC WORKS RECOGNITION'S

John Ormando awarded the following employees:

Julius Washington, Storm Drainage Department Assistant Superintendent as the *Supervisor of the Month*.

Diane Keller, Lab Tech II, Water Reclamation Facility as the *Employee of the Month*.

Howard Williams and **Gathern McClain**, Roads & Street Department as *Team of the Quarter*.

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

PUBLIC COMMENTS:

Geraldine Race, 4202 21st Avenue West voiced her concern regarding the numerous U-turns that occur when driving up to a newsstand located on a median in front of her home. She stated the cars were driving up on her lawn and destroying it. She distributed photographs of the problem area.

Discussion: Various solutions to correct the problem.

ACTION: To contact the Bradenton Herald to remove the newsstand.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Thanked the citizens for committing him to serve another term as Councilman in Ward I.

Councilwoman Marianne Barnebey, Ward II: Announced that the City did not close the lane on Manatee Avenue and 22nd Street. That a contractor had closed the lane because of the construction at that location and had done so prior to the authorized time.

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

Councilman Bemis Smith, Ward IV: Thanked John Cumming and the Public Works Department for their quick response in correcting the problem issues in the River Isle area.

Councilman James Golden, Ward V: Thanked the Public Works Department for their work with the construction of the road and the pedestrian crossing for the railroad crossing at 5th Street and 11th Avenue

Mayor Poston: Asked that everyone keep Bradenton Police Officer Adrian Meridan in their thoughts and prayers as he was currently serving in the United States Army Reserve in Iraq. That his active duty had extended to April 2004.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

LUR-T-03-02 LF SECOND READING OF ORDINANCE 2721 PUBLIC HEARING
Request of the City of Bradenton for an amendment to the Land Use and Development Regulations to address errata.

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO ERRATA; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN ONFLICT; PROVIDING FOR SERVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey gave a brief overview of the minor text changes to the Land Use and Development Regulations. He stated that the Planning Commission and the Department of Development Services-DDS **recommended approval** of the changes.

No discussion followed.

MOTION TO APPROVE ordinance 2721 as recommended was made by Councilman Golden/Vice-Mayor Weaver carried 5-0 for approval.

LUR-T-03-03 LF SECOND READING OF ORDINANCE 2722 PUBLIC HEARING
Request of the City of Bradenton for an amendment to the Land Use and Development Regulations to include major and minor amendments.

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO MINOR TEXT AMENDMENTS; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey gave a lengthy description of substantial changes throughout the Land Use Development Regulation that shorten the language and made the Land Use Development Regulations a more friendly and useful document. He **recommended approval** of the proposed changes as submitted.

Questions were asked and answers given regarding revisions for term changes, deleting duplications, adding language and authorizing administrative decisions.

(Tape 1, Side 2)

MOTION TO APPROVE ordinance 2722 as recommended was made by Councilman Golden/Vice-Mayor Michele Weaver carried 5-0 for approval.

CPA-M-03-03 SECOND READING PROPOSED ORDINANCE 2725 PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 3807 75th STREET WEST, 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 CPA-M-03-03) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 9 AND

RESIDENTIAL 16 TO RESIDENTIAL 10 AND RESIDENTIAL 15; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Public Hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the Department of Development Service-DDS staff **recommended approval** of the ordinance with changes as reviewed and submitted by the Department of Community Affairs on a previously annexed property also known as the Palma Sola Golf Course.

No discussion followed.

MOTION TO APPROVE ordinance 2725 as recommended was made by Councilman Gallo/Councilman Smith carried 5-0 for approval.

LUR-AA-03-05 SECOND READING PROPOSED ORDINANCE 2726 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 MANATEE COUNTY PDR (PLANNED DEVELOPMENT RESIDENTIAL) TO CITY PDP (PLANNED DEVELOPMENT PROJECT) FOR THE PROPERTY LOCATED AT 3807 75TH STREET WEST AND LEGALLY DESCRIBED.

Public Hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

MOTION TO APPROVE ordinance 2726 was made by Councilman Gallo/Councilman Smith carried 5-0 for approval.

SE-03-11 WARD 4 NEIGHBORHOOD 7.03 RS PUBLIC HEARING Request of Melinda Lehosky as agent for ADKM Realty, owner for Special Exception approval to add the occupancy of DWG Motors, Inc, to the property located at 311 8th Street East. (Zoned C-1)

Public Hearing opened. Those in favor.

Mark Goodman, owner of DWG Motors requested approval to open up a car dealership. He distributed photographs of the landscape improvements on the property.

Lengthy discussion: Condition of the property from previous photographs showing poor condition of the property. Not an excepted use for a car lot on this property.

Larry Frey stated that Planning Commission and Department of Development Services-DDS staff **recommended denial** of the request as the following **ten stipulations** had not been addressed.

1. Access and parking design did not comply with code nor did they provide for pedestrian safety and convenience.
2. Off-street parking areas could not adequately support businesses (existing, proposed, and future).

3. Landscaping did not meet code.
4. Signs on the site were prohibited.
5. Automotive sales with accessory automotive services may hinder development of nearby vacant properties.
6. The land and building which were to be used were not adequate for existing, proposed and future businesses.
7. The proposed use was generally incompatible with adjacent properties.
8. The environmental quality of the district may be compromised based on the proposed use and the proximity to the river.
9. The proposed use appears to be inconsistent with the City of Bradenton Comprehensive Plan.
10. Existing code enforcement activity and prior non-compliance with special exception stipulations.

Discussion: The subject lot was not compatible with the request. That the applicant had not followed the appropriate process per City requirements.

Mark Goodman, the applicant **withdrew his request**.

MOTION TO ACCEPT the request to withdraw the special exception request was made by Councilman Smith/Councilman Golden carried 5-0 to withdraw.

SE-03-13 WARD 5 NEIGHBORHOOD 1.01 RS PUBLIC HEARING
Request of Scott B. Kallins, Esq., agent for KALI Bld. Inc., owner for special exception approval for an auction house on the property located at 725 Manatee Avenue West. (Zoned C-1/UCBD)

Public Hearing opened. Those in favor.

Scott Kallins, owner of the KALI Building requested approval of the special exception.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the building was a historic building with an existing Banyon Tree. He stated that the Department of Development Services-DDS staff **recommended approval** of the request with **three stipulations**.

1. Any change in the hours of operation of 7:30 p.m. to 10:30 p.m. would require an amendment to this Special Exception.
2. The applicant would provide the City with copies of parking agreements with the adjacent property owners authorizing use of their property for parking prior to the City Council meeting.
3. The on-site parking area would be constructed of pervious material. No improvements would take place within the dripline of the Banyon cluster.

The Planning Commission's **recommended approval** with **four additional stipulations** as followed:

4. The site must meet the Florida Accessibility requirements.
5. The building must meet the building codes.
6. The building must meet the Life Safety codes.
7. The applicant would work with staff to clean and landscape the property prior to the City Council meeting.

MOTION TO APPROVE the request with the Planning Commission and DDS staff with the seven stipulations was made by Councilman Golden/Councilman Gallo carried 5-0 for approval

SE-03-14 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING
Request of Ruth Cade, owner for a special exception for construction of a garden apartment on the property located at 1009 13th Avenue West. (Zoned R-3B/VAOD)

Public Hearing opened. Those in favor.

Bob Schmitt, representative for owner requested approval to renovate to accommodate a garden apartment.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the Department of Development Services-DDS staff **recommended approval** with **five stipulations:**

1. Both units must be designed to encourage or support artistic uses.
2. The proposed use would not hinder development of nearby vacant properties.
3. The land area was adequate to support the proposed use because it did not increase density over the allowable 15 units per acre.
4. The requested use was compatible with adjacent properties.
5. The proposed use was consistent with the Comprehensive Plan.

The Planning Commission **recommended approval** with **two additional stipulations:**

6. The two parking spaces on the north side would be shifted ten (10) feet to the east.
7. The applicant would work with staff to provide landscaping.

MOTION TO APPROVE the request as recommended by the DDS staff and Planning Commission with seven stipulations was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.

SE-A-03-15 WARD 4 NEIGHBORHOOD 7.02A RS PUBLIC HEARING
Request of Robert Schmitt, AICP, agent for Ron Jarvis, owner of Fumble In, Inc. for expansion of the restaurant for outdoor seating on the property located at 2505 Manatee Avenue East. (Zoned C-3)

Public Hearing opened. Those in favor.

Bob Schmitt, agent for owner Ron Jarvis requested an outdoor area seating for smoking with no increase in seating or parking.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the Department of Development Services-DDS staff **recommended approval** with **four stipulations.**

1. The existing landscaping would be upgraded to meet current code requirements, specifically placement of trees.
2. Parking areas would be resurfaced and striped where necessary.
3. No live entertainment would be provided in the outdoor seating area.

4. Any increase in seating must comply with the special exception criteria for expansion.

The Planning Commission **recommended approval** with **one additional stipulation:**

5. Handicap parking would meet minimum standards.

MOTION TO APPROVE the request as recommended by the DDS staff and Planning Commission with five stipulations was made by Councilman Smith/Councilwoman Barnebey carried 5-0 for approval.

ABL-03-06 WARD 4 NEIGHBORHOOD 7.02A RS PUBLIC HEARING
Request of Robert Schmitt, AICP, agent for Ron Jarvis, owner of Fumble In, Inc. to expand the alcoholic beverage approval of 4COP/SRX License to accommodate outdoor seating on the property located at 2505 Manatee Avenue East. (Zoned C-3)

Public Hearing opened. Those in favor.

Robert Schmitt requested approval to expand the alcohol license for the outdoor seating expansion.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the DDS staff and Planning Commission **recommended approval** of the request.

MOTION TO APPROVE the request was made by Councilman Smith/Councilman Gallo carried 4-1 with Councilman Golden in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

A Resolution appointing Ronnie Portee to the Grants and Assistance Community Relations Board for the City of Bradenton, Florida and defining his term.

No discussion followed.

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

American Patriotism Celebration is requesting to hold the 2003 Celebration Parade on Tuesday, November 11, 2003.

No discussion followed.

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

DEPARTMENT HEADS:

Carl Callahan: Nothing to report.

Matt Keller: Invited everyone to the Fallen Firefighters Memorial Service in front of the Courthouse on Saturday, October 11, 2003.

Announced the delivery of the new "Heavy Apparatus Truck" worth \$330,000 that had a cost to the City of \$33,000 through a matching FEMA grant.

Staci Cross: The Eden Project was on target with all applications and stated that the Department of Development Services-DDS, Public Works and Fire Dept would be ready to enter permits on the system by the end of October.

Information Technology Department was currently working on a proposal to install audio/visual equipment in the Council Chambers.

The City's entire network was completed and that all departments were now on line and connected to one another.

Chief Radzilowski: As Police Chief for eleven months he gave the following credentials as to why he was an asset to the citizens of Bradenton. He spent 32 years with the Metropolitan Police Department in Virginia. As a Deputy Police Chief he trained with the Federal Bureau of Investigations-FBI, United States Secret Service, Alcohol Tobacco and Firearms- ATF, the Florida Department of Law Enforcement-FDLE and with the Florida Police Chief Association.

Chief Radzilowski asked that should the Council or any citizen have any questions as to the integrity of the police department to please call him and he would be glad to give them the facts.

John Cumming: Nothing to report.

Larry Frey: Nothing to report.

Bill Lisch: Nothing to report.

Mr. Callahan asked to meet with Mayor Poston and the Council immediately after the meeting to discuss the current status of negotiations for the Police and Fire Departments.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 11:00 a.m.

NOTE: This is not a verbatim record. An audio tape recording of the meeting is available upon request. No video tape is available due to technical difficulties.