

**CITY COUNCIL MEETING  
June 9, 2004**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on June 9, 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, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, 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 Reverend Sterling Forrester, Southside Baptist Church.  
Flag salute was led by Vice Mayor Golden.

**PROCLAMATION:**

**WOMEN'S EQUITY DAY PROCLAMATION**

Councilwoman Weaver read and accepted the proclamation.

**NATIONAL HOMEOWNERSHIP MONTH PROCLAMATION**

Susie Copeland accepted the proclamation.

**PRESENTATION:**

**Representative Bill Galvano**

Representative Galvano gave a brief update of the legislation issues from this year's session.

**Eden HR/Payroll Recognition**

Staci Cross and Sandy Markman recognized the Human Resource and Accounting staff for their assistance with the implementation of the Eden HR/Payroll System.

**Public Works Recognition**

John Ormando recognized Charles "Chuck" Cannon, Solid Waste Department for the "June Employee of the Month."

**Bradenton Fire Department**

Mary Hitchcock, Easter Seals President, Debra Kilpatrick and Fire Chief Souders presented a Certificate of Appreciation to Louis and Arnetta, two disabled adult artists from the Arts Initiative Program who provided two art works to the Fire Department.

*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:** Sent his condolences to the family of Retired Firefighter Harry Bedell who passed away June 8, 2004.

**Councilwoman Marianne Barnebey, Ward II:** Reported that the 13<sup>th</sup> Avenue Golf Tournament held last weekend was a great success.

**Vice-Mayor Michele Weaver, Ward III:** Congratulated the Tampa Bay Lightning for their victory in winning the Stanley Cup.

**Councilman Bemis Smith, Ward IV:** Reminded everyone of the Old Manatee Neighborhood meeting Thursday evening to be held at the Old Manatee United Methodist Church.

**Councilman James Golden, Ward V:** Announced that the Central Community Redevelopment Agency-CCRA final meeting on June 17, 2004 at 7:00 p.m. would be held at Rogers Memorial Church regarding the Master Plan for the development of properties in the CCRA area.

**Mayor Poston:** Announced that President Bush declared a National Day of mourning Friday, June 11, 2004 on the passing of President Ronald Reagan.

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

**7a. SECOND READING /PUBLIC HEARING                      ADOPTION OF ORDINANCE # 2756**

**AN ORDINANCE AMENDING ORDINANCE NO. 2627 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING REGULATIONS FOR THE NAMING AND RENAMING OF STREETS, PROVIDING FOR GENERAL STANDARDS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey gave a brief report on the changes made in ordinance 2756. He distributed a memorandum listing the changes and stated that the Department of Development Services staff recommended approval of ordinance 2756.

Mr. Frey stated that any future changes would be brought forth by a resolution.

**MOTION TO APPROVE ordinance #2756 was made by Councilman Smith/Councilwoman Barnebey carried 5-0 for approval.**

**7b. PR-04-0002 WARD 1 NEIGHBORHOOD 12.04A RS & LF PUBLIC HEARING**

**Request of Tom McCollum, AICP of Zoller, Najjar & Shroyer, L.C., agent for Haydon Lane, owner, for a preliminary approval of a 686 unit residential Planned Development Project located at 11700, 12100 Manatee Avenue West. (Zoned PDP)**

Public hearing opened. Those in favor.

**Cliff Walters**, attorney for the applicant presented a power point presentation showing the agricultural and environmental impact of Perico Island.

**Ed Hill**, Division President for Arvida St. Joe in Central Florida gave a brief summary with renderings of the proposed master plan showing a reduction from thirty-one buildings to thirteen buildings and a site summary of the architectural design.

**Whiting Preston** previous owner of the property voiced his approval of the Planned Development Project.

Vice Mayor Golden asked for the language to be changed from “may to shall” in stipulation six (6) as followed: “The developer will dedicate one onsite acre of land to the City of Bradenton for construction of a municipal services facility. Such dedication may also require construction of a facility by the developer to accommodate municipal services, as allowable under the Comprehensive Plan and required by the City Council.”

Ed Hill stated he had no objections to the language change.

Discussion: Building a municipal service facility. A mutual aid response agreement with the county would currently meet the requirements.

**Clyde Boltz**, Palmetto resident; **Jeanie Ladd**, Hawthorne Park, northwest Bradenton resident; **David Eckel**, 3840 Mariners Way; **Murry Kesten**, northwest retailer and resident; **Mary Schmitt**, realtor and northwest Bradenton resident; **Jason Bartz**, west Bradenton resident; **Pat Neal**, northwest Bradenton resident, **Doug Hicks**, west Bradenton business owner, **Senator John McKay**, **Stan Stephens**, former Manatee County Commissioner, **Ron Allen**, developer, **Carlos Escalante**, west Bradenton resident and **Walter Preston**, previous owner of Perico Island voiced their approval of the development listing: That the planned development was a good design for the property, the development would provide a catalyst to regenerate the west portion of Bradenton for redevelopment and for retail businesses. They stated that the proposed plan was a high quality low density development. The proposed development would be a financially large impact with new construction impact fees and large tax revenue for the city and county. That the development would be eliminating negative effects of agricultural use; Arvida St. Joe was a high quality, reputable developer with the proposed plan giving reasonable controlled growth with less impact on school but a large impact for school revenue. They stated that the proposed development met the with the City of Bradenton’s Comprehensive Plan and with the Manatee County density requirements.

Those in opposition.

**Ken Crayton**, Perico Bay Club resident voiced his concern on the remaining vacant land not developed, and the location for the emergency service facility. He was against high-rise buildings on any waterways in Manatee County and concerns with traffic flow.

**Glen Compton**, Manasota 88 Chairman representing Manasota 88 submitted a report and voiced his opposition of the request stating that a high-rise development would cause delays in hurricane evacuation, incompatibility of building types with surrounding neighborhoods, degradation of scenic vistas and negative impact on natural resources.

**Norm Lappino**, Manatee County Planner Manager representing Manatee County submitted a copy of the Manatee County future land use element policy and voiced his opposition regarding various land use issues listed in the Department of Development Services staff report. He voiced his concern at length regarding the density issue.

**Bill Clay**, Assistant Manatee County Attorney submitted a letter dated May 19, 2004 signed by Commissioner Jane Von Hahmann addressed to Mayor Poston, the Councilmember's and to the Planning Commission. The letter referred to a May 18, 2004 regular Manatee County Board of Commissioners meeting which discussed the Perico Island Development. He displayed a rendering and voiced his opposition and concerns on behalf of the Board regarding the County supplying the water utility service to the project under the Interlocal Agreement.

**Marilyn Stasica**, Palma Sola Boulevard; **Joan Dunn**, Audubon Drive; **Davye Dawn Carter**, Palma Sola Park; **Dawn Baker**, Bradenton Beach; **Ed Siemaszko**, Perico Island, **Arnold Friedman**, Perico Island; **Nancy Deal**, Holmes Beach; **Elizabeth Bharucha**, west Bradenton; **Mary O'Brien**, Bradenton; **Mary Sheppard**, Sierra Club representative; **Katie Pierola**, Bradenton Beach; **Ann Rogers**, Perico Island; **Maria Schroder**, Village Green; **Gale Cole**, Bradenton Beach; **Tom Creed**, Holmes Beach; (Joe Mc Clash); **Don Schroder**, Holmes Beach; **Mary Vicary**, Perico Bay Club; (Jane VonHahmann) and **Henry Becker** voiced their opposition against high rise buildings on the waterways, density, traffic concerns, hurricane evacuation, degradation of scenic vistas, limited water supply, endangerment of natural resources, negative environmental impacts and destructions of possible Indian artifacts. They requested to postpone the decision at this meeting to conduct further studies on the various concerns.

**Joe McClash**, Manatee County Commissioner representing District #7 displayed a "scale in height" rendering of the proposed buildings. He voiced his concern for the future of Manatee County and the City of Bradenton. He discussed that the east side property on Perico Island within the County would be used as an environmental preserve. He voiced his concern for the level of traffic and emphasized that an extensive traffic study was needed. He stated that the current plan had too many high rise buildings, with density and hurricane evacuation concerns. He entered into the record the Manatee County "1987 Report of Findings and Recommendations" by the Technical Advisory Committee for the acquisition of Emerson Point, Riverbay and Perico Island.

**Jane VonHahmann**, Manatee County Commissioner voiced her vision for the property to be purchased by Manatee County, for Perico Island to become a part of the "Robinson Preserve". She hoped that all parties involved could compromise for what's best for the whole community.

**Cliff Walters**, introduced several key specialist and consultants to speak on the development should the Council need them.

Mr. Walters, in rebuttal, discussed hurricane evacuation response time, natural resources and environmental concerns, the reduced building and development plan, water quality, archeology review and parking area.

**Michael Kroll**, Vice President of Landscape Architecture, Planning & Environmental Services, **Tom Mc Collum**, Director and Vice President of Zoller, Najjar & Shroyer, **Robert Collins**, Senior Planner for Post, Buckley, Schuh & Jernigan answered questions regarding the use of native landscaping, impervious parking area, undisturbed wetlands and hurricane evacuation.

Motion was made by Councilwoman Barnebey to continue this issue to July 14, 2004 to allow Manatee County to pursue the option to purchase Perico Island. Motion died for a lack of second.

Public hearing closed.

Larry Frey gave a brief summary of the Department of Development Services staff report and stated that the Department of Development Services staff and Planning Commission recommended approval with the following (12) stipulations:

1. The proposed agricultural use of the eastern portion of the subject property would continue as the approved use with the exception of the sales center and municipal services facility. Access to the agricultural use would require review and approval by the DDS prior to final PDP approval. Future passive recreation amenities on the eastern portion of the subject property may be approved at the discretion of the DDS Director.
2. Any historical or archaeological resources discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton. The mitigation would be completed before resource disturbing activities could continue.
3. If any species listed in Rule 39-27.003 through 30.27-005 of the Florida Administrative Code are observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures would be taken, with immediate notification provided to the DDS.
4. Any disturbance to the prescribed buffer areas would require approval by the DDS Director. Buffers must be properly delineated on Sheets 3-6 of the site plan according to prescribed minimum widths for two foot contour line/35 feet; Mangroves/25 feet and Wetlands/25 feet.
5. Native vegetation would be preserved to the fullest extent possible as part of the site development process. All existing mangrove areas and all lands at or below the two-foot contour line and associated buffers would remain undisturbed (except for mitigation of exotic species or other beneficial activity approved by the DDS Director) and be preserved in perpetuity. Such language would be detailed on the site plan.
6. The developer would dedicate one onsite acre of land to the City of Bradenton for construction of a municipal services facility. Such dedication ~~may~~ shall also require construction of a facility by the developer to accommodate municipal services, as allowable under the Comprehensive Plan and required by the City Council.
7. A sidewalk and bike path would be required along State Road 64 West (north side), subject to FDOT permitting.
8. All infrastructure would be completed prior to commencement of Phase 2 unless otherwise approved by the City.
9. Roadway improvements would be constructed concurrently with the impacts of each phase to ensure that the Level of Service-LOS would not fall below acceptable standards. Such roadway improvements shall include those

improvements indicated above, under STAFF EVALUATION/Traffic/Third Party Review and Recommendations.

10. Potable water and sewer must be provided to the site and approved by the City Public Works Department prior to building construction.
11. Details must be provided to the DDS regarding solid waste concurrency, building height calculations, and Sales Center signage dimensions.
12. The Final Site Plan must indicate all Stipulations and other Staff recommendation included in this report.

Discussion: To amend stipulation #6 to change (may) to (shall).

**MOTION TO APPROVE the preliminary development plan with the stipulations as set forth 1 through 12 and as amended to include the word *shall* in stipulation #6 as opposed to *may*. Based upon all of the evidence presented at this meeting today with all of the comments made at this public hearing based upon the recommendation for approval by the Planning Commission 5-1 vote based upon the staff report itself finding that this request was consistent with the city's comprehensive plan and the city's land use regulation and was conditioned upon and relative to the specific findings that the proposed height of these buildings were consistent with the city's plan and regulations. And that that height as proposed did not create inappropriate impacts that would adversely affect the surrounding development, waterfront vistas or entrance way areas whether existing or purposed. And that the development had various setbacks and provided an appropriate transition to adjacent properties. And that the development provided a desirable transition from the street, pedestrian area and parking area. And that the open space provided in this project exceeded the minimum requirement in the city's land use regulation. Upon all of those factors and bases the motion was made by Vice Mayor Golden/Councilman Smith carried 4-1 for approval with Councilwoman Barnebey in opposition.**

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

**Request from the Resource Connection for Kids to hold Manatee's Run/Walk for Children on Saturday, September 18, 2004 start/finish on Barcarrota Boulevard and Old Main Street.**

No discussion followed.

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

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**Mid-year budget adjustments**

**RECOMMENDATION by Carl Callahan to approve the mid-year budget adjustments listed on a memorandum dated June 2, 2004 from Sheila Lindergren, Financial Manager.**

No discussion followed.

**MOTION TO APPROVE the recommendation was made by Councilman Gallo/Councilman Smith carried 5-0 for approval.**

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**Grievance Committee Findings**

**RECOMMENDATION by Carl Callahan to approve the Grievance Committee findings regarding Anthony Shinholster and Thomas Young.**

Councilwoman Weaver, Chairperson on the Grievance Committee recommended approval of the Grievance Committee findings.

**MOTION TO APPROVE as recommended by the Grievance Committee findings was made by Councilwoman Weaver/Councilman Gallo carried 5-0 for approval.**

Councilwoman Weaver requested to adopt the Grievance Committee findings at the Grievance Committee level. That it would not have to come forth to Council for approval.

**ACTION:** Bill Lisch would draft a resolution to come before the Council adopting that the Grievance Committee findings would be final.

**Larry Frey**

**Urban Development Zone (UDZ) MAP**

**REQUEST by Larry Frey to approve the modified UDZ map as recommended by the Department of Development Services staff.**

Discussion: Elimination of enclaves.

**MOTION TO APPROVE the modified UDZ map was made by Vice Mayor Golden/Councilwoman Weaver carried 5-0 for approval.**

**Bill Lisch**

**Request of Telesis and the Bradenton Housing Authority**

**REQUEST by Bill Lisch to except a dedication of certain rights-of-way located within Phase one of Bradenton Village.**

No discussion followed.

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

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**A RESOLUTION CONFIRMING THE FORMAL ESTABLISHMENT OF THE BRADENTON FIRE DEPARTMENT; PROVIDING AN EFFECTIVE DATE.**

Bill Lisch stated that the fire department had existed since 1943.

**MOTION TO APPROVE the resolution was made Vice Mayor Golden/Councilwoman Weaver carried 5-0 for approval.**

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**REQUEST by Councilwoman Barnebey to hold a Memorial Service for John Koeck on Tuesday, June 15<sup>th</sup> at 7:00 pm to 8:00 pm at the Amphitheater at Rossi Park.**

No discussion followed.

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

**DEPARTMENT HEADS:**

**Carl Callahan:** Recognized Vice Mayor Golden for completing the Elected Municipal Official-EMO advanced meeting.

**Chief Souders:** Gave a brief summary of the funeral for retired Firefighter Harry Bedell.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Nothing to report.

**John Cumming:** He would be attending in Cape Canaveral a State Revolving Fund program presented by the Department of Environment Protection.

**Larry Frey:** Reported that the Monk Building construction had been dormant with the permit expiring July 1, 2004.

**Mayor Poston:** Announced a Homeless Coalition conference would be held in the Bradenton Auditorium, Monday morning on June 14, 2004.

**ADJOURNMENT:**

There being no further business, Mayor Poston adjourned the meeting at 2:30 p.m.

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