

CITY COUNCIL MEETING
May 11, 2005

APPROVED BY
May 25, 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 May 11, 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: Wayne Poston, Mayor, Carl Callahan, City Clerk and Treasurer, William Lisch, City Attorney, Mark Souders, Fire Chief, Michael Radzilowski, Police Chief, John Ormando, Public Works Assistant Director, Larry Frey, Development Services Director, Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Golden.
Flag salute was led by Mayor Poston.

APPROVAL OF MINUTES:

Approval of Minutes for April 27, 2005.

Councilman Gallo abstained from voting due to his absence at the April 27, 2005 meeting.

MOTION TO APPROVE the April 27, 2005 minutes was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval.

PROCLAMATION:

CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK PROCLAMATION

Larry Frey accepted the proclamation on behalf of his outstanding Code Enforcement staff: **Volker Reiss, Compliance Supervisor, Laura Anderson, CE Coordinator, and CE Officers Cheryl Landers, John Kelly, Walter Williams and Victor Perez.**

PRESENTATION:

PUBLIC WORKS RECOGNITION – EMPLOYEE OF THE MONTH

John Ormando congratulated **Ed Blunt** of the Parks and Recreation Department as Employee of the Month for May.

Chief Souders presented award plaques to the owners of several businesses who sponsored the renovations of the Urban Search and Rescue Quick Response Truck #3.

They were as followed: **Ron Ribbins** - Ten-8 Fire Equipment; **Tim Farrell** - Fleet Pride; **Kevin Harlander** – Auto Trim Signs and Graphics, **Steve Rowland** – Federal Sign

Corporation; **Lloyd Roland** – Flash Equipment; **Rick Hinkle** – Extreme Metal Products; and **Dave Cazemiro** – NAPA Auto Parts.

Firefighter and K-9 trainers Brandon Desch and **Firefighter Mike Ghidoni** introduced their two search and rescue dogs **Otto** and **Jaeger** to Mayor Poston and the Council.

Chief Souders presented award plaques to **Chris Tom**, on behalf of Petland for donating food and animal supplies, and to **Dr. Fleck**, of the Animal Medical Center, for his veterinarian service to the two dogs.

Chief Souders presented an emergency fire helmet to **Bob Marlow**, in his appreciation for his vision in renovating Truck #3 and for organizing the renovation efforts with all the sponsored businesses.

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

CITIZEN COMMENTS:

Gary Schmeichal, managing member of the Point Pleasant, town homes, requested the Council to reconsider stipulation #4 from the November 17, 2004 (page 4) Council approval as followed: “The applicant would make repairs to existing sidewalks on subject property (in the first quarter of 2005.)”

Mr. Schmeichal gave a brief synopsis of a litigation brought on by Ms. Schreiber which had stopped the planned development project. He stated that the litigation had now been resolved and the project was planned to begin in July, 2005.

He requested that the sidewalks be installed after the completion of the project.

Discussion: The sidewalk was removed when the two houses were removed December, 2004.

Larry Frey recommended eliminating stipulation #4 because the sidewalk, if repaired, could again be damaged during construction and to repair the sidewalk after construction was completed. He recommended including the sidewalk with the entire construction site when barricading the site for safety purposes.

MOTION TO APPROVE the recommendations by Larry Frey to eliminate the previous stipulation stating that the applicant would make repairs to existing sidewalks on subject property in the first quarter of 2005 was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-1 for approval with Councilman Gallo in opposition.

Virginia Bedinger, 222 Old Main Street, resident of The Courtyard requested a need for a small downtown grocery store which could be supported by the numerous condominium owners and renters that live in the downtown area.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Thanked Mayor Poston for selecting him to be apart of the lobbying team in Tallahassee.

Councilwoman Marianne Barnebey, Ward II: Thanked all the DeSoto Parade volunteers and staff who participated in the parade this year to make it a great success.

Councilwoman Barnebey reminded everyone of the Mash Bash to raise funds for the Red Cross on Saturday May 14th.

She announced the Wellness Concert would be held on Sunday, May 15th at Manatee Community College.

Councilwoman Barnebey asked everyone to support the Muscular Dystrophy fundraiser by donating to help her post bail to get out of jail on May 19, 2005.

Councilwoman Weaver, Ward III: Nothing to report.

Vice Mayor Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: Announced the grand opening of the new office site for the Central Community Redevelopment Agency located at the Suggs Project Administrative Office.

Sherod Halliburton, Executive Director of the Central Community Redevelopment Agency, announced a ground breaking and ribbon cutting ceremony on May 23, 2005 at 11:00 a.m. at 6th Street East and 13th Avenue to initiate a streetscape project from 1st Street to 9th Street on 13th Avenue.

Mayor Wayne Poston: Stated that the monthly Mayors' meeting consisted of all of the mayors of the local municipalities and the Manatee County Board of Commissioners, Chairman Ron Getman. Mayor Poston stated that at a recent meeting, the members agreed to formalize the monthly mayors' meeting by establishing a Council of Local Public Officials Committee under Florida Statutes 163. He stated this request would go forth to each municipality and to the county commissioners for approval.

Mayor Poston requested approval to establish a Council of Local Public Officials.

MOTION TO APPROVE the request by Mayor Poston to formalize and establish a Council of Local Public Officials was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

Bill Lisch stated he would draft a formal resolution regarding this issue for the next City Council meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

PR-04-0009 WARD 4 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Dexter McDonald, Agent for Community Outreach Church, owner, for preliminary Planned Development Project approval for construction of a new church facility located at 650 27th Street East (Zoned PDP)

Reverend Dexter McDonald gave a brief explanation of the services that the church provided and requested approval for a much needed new facility. He asked that the Council reconsider stipulation #3 and #4 of the Department of Development Services staff recommendation.

Ruth Seewer, Development Review Manager explained that the paving was requested by the Fire Department because it addressed safety issues as the church would be occupying the site and continuing their services throughout the construction process. She stated access to the building was required for safety.

Lengthy discussion: Regarding the need for a paved area around the structure under construction and not the parking area.

Vice Mayor Smith suggested that a stipulation be made that sufficient paving would be placed meeting the requirements of the Bradenton Fire Department.

Chief Souders agreed to this revised stipulation.

Discussion: Modular building elevation on blocks or a slab.

Sherod Halliburton, Executive Director of the Central Community Redevelopment Agency, supported this request as the church provided tremendous services throughout the community.

Those in opposition; hearing none, the public hearing was closed.

Larry Frey stated that the Department of Development Services staff recommended approved with four stipulations and the Planning Commission recommended approval with five stipulations.

Mr. Frey read the following revised stipulations:

1. Amended information required by the Fire Department for the temporary portable facility would be submitted prior to the issuance of a building permit.
2. The temporary portable facility not to exceed 864 square feet in size under air would be removed upon completion of the sanctuary or within one year from final PDP approval whichever comes first.
3. Enhanced landscaping materials would be installed within the buffer along 27th Street East subject to the approval by Department of Development Services. Trees installed would be four inches in diameter at breast height, and the hedge material proposed would be no less than 36 inches high, planted 24 inches on center.
4. All required paving, perimeter buffer landscaping, and infrastructure with the exception of foundation landscaping would be completed prior to occupancy of the temporary portable classroom. (amended)
- ~~5. Hours of operation 4 p.m. to 9 p.m. Monday through Friday. (deleted)~~

Questions were asked and answers given regarding the stipulations.

Lengthy discussion: Proposed paving area around the structure and modular building prior to occupancy.

Ruth Seewer suggested an additional stipulation: That the paved traffic circulation driveway acceptable to the fire department would be installed prior to occupancy of the modular building.

Discussion: Hours of operations.

Larry Frey recommended to eliminate stipulation #5 regarding the hours and to amend stipulation #4 to read: All required paving, perimeter buffer landscaping, and infrastructure, with the exception of foundation landscaping would be completed prior to occupancy of the temporary portable classroom.

Discussion: Concerns regarding the wetland area in the church site.

MOTION TO APPROVE PR-04-0009 request of Dexter McDonald, Agent for Community Outreach Church as recommended by the Department of Development Services staff and Planning Commission with four stipulations was made by Vice Mayor Smith/Councilman Golden and carried 5-0 for approval.

LU-05-0005 WARD 3 NEIGHBORHOOD 1.01 MM FIRST READING

Request of Deborah Schreiber, Agent for several Point Pleasant homeowners for a Land Use Atlas Amendment to change the zoning designation from R3B to R1C. (Zoned R3B)

ORDINANCE NO. 2785

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 MULTI-FAMILY R3B TO SINGLE FAMILY R1C FOR THE PROPERTY LOCATED IN NEIGHBORHOOD 1.01, DOWNTOWN AND IS COMMONLY REFERRED TO AS POINT PLEASANT AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for May 25, 2005 was made by Councilwoman Weaver/Councilman Golden and carried 5-0 for approval.

PR-05-0010 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING

Request of Fawley Bryant Architects, Inc.; agent for Bradenton Housing Authority for preliminary approval for a 30 unit residential Planned Development Project on the property located at 408 13th Avenue West. (Zoned R2A/R1D)

The public hearing was opened; those in favor.

Rick Fawley, Fawley Bryant Architects, displayed renderings and presented the next phase of Bradenton Village known as the old Singletary Concrete Plant property located at 409 13th Avenue West.

Mr. Fawley stated there would be 25 units, not 30 units, made up of various mixed sizes.

He discussed the location change of the Community Center to be located on the corner of 5th Street West and 13th Avenue West.

Questions were asked and answers given regarding the crosswalk, parking location, and fencing material.

Discussion: Concerns regarding graffiti on an eight foot masonry wall. To recommend a stipulation to landscape the fence with plantings that would deter such activity.

Those in opposition; hearing none, the public hearing was closed.

Larry Frey stated that the Department of Development Services staff and Planning Commission recommended approval with four stipulations. They were as followed:

1. Adjust the turn radius to accommodate sanitation and fire equipment.
2. Adjust the dumpster location to accommodate the sanitation trucks.
3. The applicant would provide crosswalks at the intersection of 13th Avenue West and 5th Street West, and 13th Avenue West and 3rd Street West.
4. The applicant would work with Department of Development Services staff regarding final approval of the perimeter fence.

MOTION TO APPROVE PR-05-0010 for Telesis Corporation and Bradenton Housing Authority owners as recommended by the Department of Development Services and Planning Commission with four stipulations was made by Golden/Councilwoman Barnebey and carried 5-0 for approval.

RV-05-0004 WARD 5 NEIGHBORHOOD 7.02B RS PUBLIC HEARING

Request of Michael Pendley, agent for School Board of Manatee County for vacation of Right of Way on 6th Avenue between 16th Street East and 17th Street East. (Zoned C2)

The public hearing was opened; those in favor.

Mike Pendley displayed renderings of the Manatee Elementary renovations and requested a vacation of a right-of-way on 6th Avenue East between the area of 16th and 17th Street East.

He asked that the vacation not be recorded until all the utilities had been relocated to be approximately February, 2006.

Questions were asked and answers given regarding student capacity.

Those in opposition; hearing none, the public hearing was closed.

Discussion: Concerns of closing off 6th Avenue from 17th Street East.

Larry Frey stated that the Department of Development Services staff and Planning Commission recommended approval with one stipulation as followed:

1. All utilities would be removed, relocated and/or easements provided as specified in this report prior to recording this vacation.

MOTION TO APPROVE RV-05-0004 request of Michael Pendley for the School Board of Manatee County as recommended by the Department of Development Services staff and Planning Commission with one stipulation was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

MA-05-0008 WARD5 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Alan Prather, agent for Tropicana for a major amendment to allow construction of additional juice storage tanks located at 917 12th Street Court East. (Zoned I)

The public hearing was opened.

RV-05-0005 WARD5 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Alan Prather, agent for Tropicana, for a vacation of Right of Way and Revision of Subdivision at 917 12th Street Court East. (Zoned I)

The public hearing was opened; those in favor.

Alan Prather gave a brief overview of MA-05-0008, request to amend the PDP to expand the juice storage facilities, and RV-05-0005 to vacate a portion of right-of-way within the project boundaries and any existing subdivisions within the project boundaries.

Mr. Prather stated this request would allow for construction of the final four additional storage facilities which could store 110.06 million gallons of orange juice.

Diane Chadwick, Planner with WilsonMiller displayed renderings and discussed details of the entire 21.64 acre parcels for the storage construction, which would include this vacation request.

Kimber Bereiter, Landscape Architect with John Moody and Associates, gave details of the proposed landscape.

Alan Prather submitted a study entitled "Life Safety Design Analysis for Tropicana Products, Inc." which was prepared by: Global Fire Engineering, Inc.; Fire Protection Design and Consulting. He stated this document had been reviewed by the City Fire Marshal and the Building Official.

Those in opposition, hearing none, the public hearing was closed.

Larry Frey gave the Department of Development Services staff and Planning Commission's recommendation with three stipulations, they were as followed:

1. Adhere to the Development Review Committee (DRC) recommendations as indicated in this report.
2. The storage tanks located along the 13th Street East right-of-way would not exceed 96 feet at the highest point (excluding a/c equipment and railings). Interior storage tanks may be constructed at 110 feet at the highest point. (excluding a/c equipment and railings)
3. The eight-foot fence would be decorative aluminum, wherever it abuts next to a public right-of-way.

MOTION TO APPROVE MA-05-0008 as recommended by the Department of Development Services staff and Planning Commission with three stipulations was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

MOTION TO APPROVE RV-05-0005 as recommended by the Department of Development Services staff and Planning Commission with three stipulations was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Councilman Golden stated that the Department of Development Services staff had a valid concern for the height of the storage structures. He stated that he supported this motion because of the effect that this project would cause for the greater good to the entire community and for the financial impact of the quality of life in which this company supported and served.

SF-05-0003 WARD 2 NEIGHBORHOOD 12.02 RS

Request of Leo Mills & Associates Inc, Agent for Manatee River Community Development Corporation, owner for a subdivision final plat approval located at 3400 Riverview Boulevard West (Zoned R1B)

Vice Mayor Smith recused himself from voting as he had personal business associated with the applicant William Manfull.

Councilman Gallo voiced his concern regarding the name "Brasota Mortgage Company" associated with this request.

Councilman Gallo also voiced his concern that the property identification number was different on the application from the Property Appraiser's DP#.

Bill Lisch stated he did not believe that the Brasota Mortgage name would affect the application as they did not have ownership on the property.

Ruth Seewer, Development Review Manager, stated that a portion of the DP# was listed on the application and stated that she thought perhaps the address was incorrect.

Discussion: To avoid confusion, perhaps this request could be tabled until a review was done.

MOTION TO TABLE SF-05-0003 was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 to approve.

SF-05-0002 WARD 1 NEIGHBORHOOD 4.08 RS

Request of King Engineering Assoc. Inc, Agent for Taylor Woodrow Homes-Central Florida Division, LLC, for a subdivision final plat approval located at 3807 75th Street West (Zoned PDP)

The SF-05-0002 request had been withdrawn.

RESOLUTION 05-21

A RESOLUTION APPOINTING **ROMONIA CALPIN** TO THE CENTRAL COMMUNITY REDEVELOPMENT AGENCY FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

Councilman Golden asked that the ordinance be reviewed to be sure the staggered terms for appointments to the board had been followed.

MOTION TO APPROVE Resolution 05-21 was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

A REQUEST BY Len Sirotzki to hold an event entitled "Hands across the River" in recognition of the Blue Star Salute Celebration on Armed Forces Day, Saturday May 21, 2005.

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

A REQUEST BY Susan Moir with Bradenton Downtown Progress to hold an event entitled "Battle of the Bands" on Old Main Street on Thursday, June 16, 2005.

MOTION TO APPROVE the request from Bradenton Downtown Progress was made by Councilwoman Barnebey/Vice Mayor Smith and carried 5-0 for approval.

Larry Frey

A REQUEST BY Central Christian Church to place directional street signs for the property located at 926 15th St West on the right-of-way.

Councilman Gallo voiced his concern that by allowing approval of this request it would set precedence for other churches and even businesses, clubs, and organizations, and therefore, he could not support the request.

Discussion: Requirements and locations for directional signs.

MOTION TO APPROVE the request by Central Christian Church was made by Councilman Golden/Vice Mayor Smith and carried 3-2 for approval with Councilman Gallo and Vice Mayor Smith in opposition.

- a) **2005-08 SHIP Plan Strategy** **PUBLIC HEARING**
Request approval of the 2005-2008 three-year SHIP strategy for affordable housing.

RESOLUTION 05-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CITY'S LOCAL HOUSING ASSISTANCE PLAN 2005-2006, 2006-2007, AND 2007-2008.

The public hearing was opened, those in favor, hearing none.

Those in opposition; hearing none, the public hearing was closed.

Larry Frey gave a brief report on the three year State Housing Initiative Partnership (SHIP) affordable housing plan and recommended approval of the request.

MOTION TO APPROVE the 2005-2008 SHIP Plan Strategy and Resolution 05-23 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Councilman Golden stated that the Tampa Bay Regional Council was seeking ideas as to how to address more affordable housing with a symposium planned in the fall.

DEPARTMENT HEADS:

Carl Callahan: A REQUEST for the following resolution which would pursue an ordinance in coordination with Manatee County and other municipalities to regulate cable franchises.

RESOLUTION 05-22

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, EXPRESSING THE DESIRE OF THE CITY TO PURSUE WITH MANATEE COUNTY GOVERNMENT AND OTHER MUNICIPALITIES WITHIN THE COUNTY INTERGOVERNMENTAL CO-OPERATION AND COORDINATION IN CABLE TELEVISION FRANCHISE REGULATION AND ADMINISTRATION; PROVIDING INSTRUCTIONS TO STAFF; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING THAT CONFLICTING RESOLUTIONS BE SUPERCEDED; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 05-22 was made by Councilman Gallo/Councilwoman Barnebey and carried 5-0 for approval.

A REQUEST BY Mr. Callahan to enter into an Elections Service Agreement with Bob Sweat, the Supervisor of Elections for the 2005 election year.

MOTION TO APPROVE the request by Carl Callahan for the Elections Service Agreement was made by Councilman Gallo/Vice Mayor Smith and carried 5-0 for approval.

A REQUEST BY Mr. Callahan to accept early voting which would consist of one week prior to the Election Day at City Hall with an additional cost to man the election poles and to bring back an ordinance addressing this issue.

ACTION: Council agreed verbally to accept early voting and to review the legislature definition.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Chief Radzilowski: Reminded everyone of the Memorial Service to be held May 12, 2005 at 10:30 a.m. on the courthouse lawn to honor fallen police officers.

John Cumming: Excused absence.

Larry Frey: Stated he would be giving a PowerPoint presentation at the Florida Engineering Society on growth in Bradenton.

Mr. Frey stated he would be out of the office the rest of the week attending the Governors Hurricane Conference.

Mr. Frey stated he would be taking the Flood Plan Manager's Test to become certified which would have a positive effect on the community rating system.

Bill Lisch: RECOMMENDED to acquire a five foot parcel located at State Road 64 and 27th Street East for the placement of a traffic arm in the right-of-way at a cost of \$1000.

MOTION TO APPROVE the recommendation by Mr. Lisch to acquire a five foot parcel was made by Councilman Gallo/Vice Mayor Smith and carried 5-0 for approval.

Carolyn Moore: Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 11:45 a.m.

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