

**CITY COUNCIL MEETING
April 27, 2005**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on April 27, 2005 at 6:00 p.m.

Present: 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, John Cumming, Public Works Director, William Lisch, City Attorney, Mark Souders, Fire Chief, Major J. J. Lewis, Police Department, 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 Reverend Don Hanna, Trinity United Methodist Church.

Flag salute was led by Vice Mayor Smith.

Councilman Gallo was excused from the meeting.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR APRIL 13, 2005.

No discussion followed.

MOTION TO APPROVE the April 13, 2005 minutes was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval.

PROCLAMATION:

NATIONAL ARBOR DAY PROCLAMATION – APRIL 29, 2005

Patrick Roff, Sue Sweat, Ingrid McClellan, and Mary Runnells from the Tree Board accepted the proclamation.

LAW ENFORCEMENT WEEK PROCLAMATION – MAY 9-15, 2005

School Resource Officer **Ken Magown, Sr.** accepted the proclamation.

CIVILITY MONTH PROCLAMATION – MAY 2005

MUNICIPAL CLERKS WEEK PROCLAMATION – MAY 1-7, 2005

PRESENTATION:

BRADENTON POLICE DEPARTMENT – “MEDAL OF VALOR”

Mayor Poston awarded the “Medal of Valor” to **Sergeant Timothy Holleran, Sr.** while Major J. J. Lewis read a press release depicting the courage Sergeant Holleran exhibited while on duty April 24, 2004.

Manatee County Board of Commissioners’ Chairman Ron Getman, representative for Manatee County, stated that on Tuesday, April 26, 2005, the Board of Commissioners voted to file an action opposing the annexation recently approved which created an enclave.

Commissioner Getman requested the Council to reconsider their approval of one of the two annexations AX-04-0004, Ordinance 2774 and/or AX-05-0006, Ordinance 2775, adopted April 13, 2005, as one did not create an enclave but the annexation of both properties did create an enclave.

Commissioner Getman referred to a letter dated April 20, 2005 from the Manatee County Board of County Commissioners to Mayor Poston requesting the Council to “reconsider which would allow the city and county sufficient time to engage in negotiations in an attempt to resolve this matter in a manner described in the resolutions (City of Bradenton Resolution 05- 20) recently passed by each governing body relating to the Accord. If no action is taken by the city to resolve this matter, the Board of County Commissioners would have no choice but to consider taking appropriate legal action to protect its ability to object”.

Lengthy discussion: As to what creates an enclave. Legal decisions and definition with different opinions by the county and city.

Jim Minnix, attorney for the county, reiterated that one annexation did not create an enclave and, in his opinion, both annexations did in fact create an enclave with any future annexation to be contiguous.

Mr. Minnix requested the city to agree to abide by the decision of the lower court as a third party opinion regarding the definition of what was an enclave.

Discussion: The legislation’s interpretation of what the Florida Statutes’ definition was of the term “through the City”.

Motion to reconsider bringing back annexations Ordinances 2774 and 2775 was made by Councilwoman Barnebey and died for a lack of a second.

HEALTH AND HUMAN SERVICES DIAL 211

Roy McBean, Chairman, and **Alberto Suarez**, Executive Director, presented a PowerPoint presentation of United Way 2-1-1 of Manasota, Inc. Information and Referral Services for people seeking health and human services assistance and the appropriate providers of such services.

Questions were asked and answers given regarding the 2-1-1 service.

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

CITIZEN COMMENTS:

Isabel Wetz, 303 48th Street Court East, stated she was not informed of the annexation AX-05-0006, Ordinance 2775 presented before Council at the last meeting. She stated that the annexation was illegal as there was not a clear deed and that she would be seeking legal representation.

Trudy Williams, 322 14th Street East, representing Reflections of Manatee requested the city to work toward applying for a Florida Communities Trust (FCT) Florida Forever Grant which would assist with funding to purchase historical property.

She distributed a booklet entitled "*Economic Impacts of Historic Preservation in Florida*" which provided details of historic rehabilitation throughout the state.

She stated that the Reflections of Manatee board would prepare the grant application and would submit it to Larry Frey for review and approval then to the Council for final approval.

Larry Frey stated this was a good grant with 66 million dollars available every cycle.

MOTION TO have the Department of Development Services staff work with Reflections of Manatee to seek funding for 2006 was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-0 for approval.

James Highbanks, Sarasota, Florida, distributed a presentation displaying over 100 homes in the east Manatee district from 8th Street East to 14th Street East, and Manatee Avenue East to Manatee River. He stated that each picture listed the address, the date built, and type of construction, which showed that all old homes weren't historic homes.

Patrick Roff, 602 Virginia Drive, requested an upgraded garbage can to be located at the 8th Avenue Bridge.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Excused from the meeting.

Councilwoman Marianne Barnebey, Ward II: Stated she participated in the Junior League Provisional Dedication Project at the Manatee Glens Adolescent Recovery Center. She stated the project improved the atmosphere and gave it a much homier look than that of an institution.

Councilwoman Barnebey stated there was a lot of information given at the last Metropolitan Planning Organization (MPO) meeting regarding traffic patterns. She offered to supply information to anyone who would be unable to attend the upcoming forum this Thursday, April 28, 2005.

Councilwoman Barnebey stated she received a card thanking John Cumming and the Public Works Department for the fine job they were doing.

Councilwoman Barnebey introduced **Staff Sergeant T'shay Ealy**, the new army recruiter for this area.

Councilwoman Weaver, Ward III: Nothing to report.

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

Councilman James Golden, Ward V: He attended the Jump Start Program, a non-profit organization which works with government agencies and businesses to seek a better living environment in affordable housing for the local work force.

REQUEST BY Councilman Golden that the City of Bradenton become full partners with the business community with a \$10,000 top-level donation to the Jump Start Program.

Discussion: Unexpected projects previously approved this year had required additional funds over those initially budgeted.

MOTION TO APPROVE the request by Councilman Golden to pledge \$10,000 as a full Fair Housing partner in the 2005-2006 fiscal year was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.

Councilman Golden read a letter from the First United Methodist Church thanking the city staff for the new sidewalk in front of the church.

Mayor Wayne Poston: Reminded everyone of the DeSoto Festival celebration to be held throughout this week and culminating with a parade on Saturday, April 30, 2005.

Mayor Poston stated that William DeSue, Executive Director of the Bradenton Housing Authority, was a key speaker who spoke on the success of the Hope VI project.

7. BUSINESS/ADVERTISING, PETITIONS, HEARINGS, AND COMMUNICATIONS:

a) AX.05.0007 LF **FIRST READING**
Request of White Oak Development, Inc, Agent for Johnny Rice, Steven Rice & Tonya Rice, owners, for an annexation of 20.38 acres located at 5050 1st Ave. E. (Zoned County A1)

FIRST READING OF PROPOSED ORDINANCE NO 2781
AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 5050 1st Ave. E. AND LEGALLY DESCRIBED.

Mr. Callahan recommended waiting on the clarification of the challenges from the county regarding the recent annexations Ordinances 2774 and 2775 before moving forward with the second reading and public hearing process.

MOTION TO APPROVE the first reading and set the second reading and public hearing at a date to be determined was made by Vice Mayor Smith/Councilman Golden and carried 4-0 for approval.

b) LU-04-0003 LF **SECOND READING AND PUBLIC HEARING**
Request of the City of Bradenton for text amendments to the Land Use Regulations (LUR) regarding the merger of the Architectural Review Board and the Tree Board, Public Notice Requirements, and Appeals & Definitions.

**SECOND READING OF PROPOSED ORDINANCE NO. 2782
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 THE TREE BOARD,
THE ARCHITECTURAL REVIEW BOARD, AND TREE PRESERVATION; PROVIDING
FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

Larry Frey stated that the Council had conducted a workshop on April 14, 2005 and discussed several issues regarding the amendment changes.

Mr. Frey referred to a memorandum dated March 3, 2005, subject LU-04-0003, which clarified the changes and stated that the Department of Development Services staff and Tree Board recommended approval of the changes.

Mr. Frey pointed out that with these changes to the Land use Regulations (LUR's) was pursuant to revising and merging the scope, function, and duties of the Tree Board and the Architectural Review Board.

MOTION TO APPROVE LU-04-0003 Ordinance 2782 as recommended by Larry Frey was made by Councilman Smith/Councilwoman Weaver and carried 4-0 for approval.

Mayor Poston requested that the Tree Board develop a Master Tree Plan throughout the City.

c) LU-05-0006 LF **SECOND READING AND PUBLIC HEARING**

Request of the City of Bradenton for text amendments to the Land Use Regulations (LUR) regarding Alcoholic Beverage License, Fencing, Village of the Arts District, Antique District Overlay, Home Occupation, Home Business, Planned Development Projects, Definitions, et al.

**SECOND READING OF PROPOSED ORDINANCE NO. 2783
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 BEVERAGE SALES,
STREET VENDING, ANTIQUES OVERLAY DISTRICT, SOCIAL SERVICES, PDP
CRITERIA AND DEFINITIONS; PROVIDING FOR REPEAL OF PROVISIONS OF
ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE.**

The public hearing was opened; those who wished to speak for or against were asked to come forward.

Carl Keeler, President of Artist Guild of Manatee, a parent organization of the Village of the Arts, requested several changes regarding the Village of the Arts District.

REQUEST BY Mr. Keeler that the home business sign size be changed to a maximum height of 60" to 72".

REQUEST BY Mr. Keeler that the existing theme sign “VILLAGE OF THE ARTS” which was currently displayed on the lawns of houses that represent the Village of the Arts be excluded from this signage requirement.

Mr. Frey agreed with Mr. Keeler’s request stating that the theme sign would be limited to certain districts with current signs grandfathered in and that it was intended to have the height at 6’ (feet), not 60” (inches).

Mark Runnells, resident of the Village of the Arts, requested that a board be formed in the Village of the Arts to review permit requests instead of having those requests go before the Department of Development Services Director. He also requested that the Department of Development Services waive the permit fee for smaller signs in the Village of the Arts.

Larry Frey stated that all signs needed to be permitted excluding the theme sign “VILLAGE OF THE ARTS.”

Lengthy discussion: Signage in the Village of the Arts and crime in certain areas of the district.

John Keiper and **Doris Keiper**, 825 3rd Avenue East, and **Sarah Weintraub**, East Manatee resident, asked questions regarding the Antique District Overlay and voiced their disappointment that they and other neighbors had not been properly noticed of the Antique District Overlay boundary change. They voiced their concern of how the residents would be affected by this overlay.

Lengthy discussion: Notices had been mailed throughout the neighborhood. The boundaries of the Antique District Overlay had been approved February 12, 2003 by City Council.

Larry Frey stated that nothing would change for homeowners, but the number of commercial antique businesses in the Antique District Overlay would increase.

Ruth Hess stated she wanted to improve her building in the antique district and to make sure that she followed the historic guidelines regarding to the architectural design.

Discussion: Alcoholic beverages license requirements approved by Department of Development Services Director on private property.

The public hearing was closed.

Mr. Frey referred to a memorandum dated March 3, 2005, subject LU-05-0006, clarifying the changes and revisions and stated that the Department of Development Services staff recommended approval.

RECOMMENDATION BY Carl Callahan and Bill Lisch to grandfather in the existing street vendor occupational licenses with no sale or transfer to anyone once each existing license expired.

Discussion: To clarify Section 402, page 54, STANDARD LAND USE ATLAS DISTRICT REGULATIONS.

RECOMMENDATION BY Bill Lisch to change the statement “Uses and use permissions not indicated are generally prohibited unless otherwise determined by the Department of Development Services Director” to read “Uses and use permissions not indicated are generally prohibited.”

MOTION TO APPROVE LU 05-0006, Ordinance 2783, as recommended by Larry Frey with the requests and recommendations was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval.

d) SECOND READING OF PROPOSED ORDINANCE NO. 2784 PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS; ARTICLE I, IN GENERAL; BY ADDING NEW SECTIONS 18-1, SITE DEBRIS AND 18-2, HURRICANE PROTECTION; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened; anyone wishing to speak for or against was asked to come forward.

No one came forward; the public hearing was closed.

Chief Souders stated that this ordinance would help enforce the regulations for all building materials and reduce damage from flying debris in a storm.

MOTION TO APPROVE Ordinance 2784 was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval.

8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL:

John Cumming

a) 14TH STREET CLOSURE BETWEEN MANATEE AVENUE AND 6TH AVENUE

REQUEST BY Mr. Cumming on behalf of Sutter Roofing, Inc., to close 14th Street from Manatee Avenue to 6th Avenue, east of the financial center, from May 2, 2005 to May 15, 2005 from 1:00 a.m. to 12:00 noon each day.

Questions were asked regarding the length of time it would require to replace the roof, as well as issues concerning crane, barricade, and sign placement, and traffic access into the parking garage.

Ted Moore, Project Manager, Sutter Roofing Co. of Florida, answered questions regarding the placement of the crane, barricades, and signs, and access to the parking garage in the financial center.

Discussion: To have Chief Radzilowski approve the traffic control plan.

MOTION TO APPROVE the request contingent upon Chief Radzilowski approving the traffic control plan was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval.

Larry Frey

a) HISTORICAL PRESERVATION

Mr. Frey displayed a map and gave a detailed report referring to the memorandum dated April 5, 2005 regarding Historic Preservation Planning.

REQUEST BY Mr. Frey to extend another 30 day moratorium to preserve houses potentially to be tagged for demolition by Code Enforcement.

He stated he would continue studying various ordinances around the state to draft a plan for historic preservation. He suggested that, if historic buildings had to be destroyed, perhaps they could be rebuilt following a similar historic design.

He suggested seeking matching grants to generate and provide funds to purchase property and/or supply incentives to property owners to preserve historical buildings. He stated he would look into seeking various grants in the future.

Vice Mayor Smith requested a workshop be set up to discuss this issue more thoroughly.

MOTION TO APPROVE the request to extend another 30 day moratorium to preserve houses potentially to be tagged for demolition by Code Enforcement was made by Vice Mayor Smith/Councilman Golden and carried 4-0 for approval.

b) UDZ MAP

Mr. Frey displayed the UDZ Map.

Mayor Poston stated the county had two objections and that the city had changed the map in view of those objections.

MOTION TO APPROVE the UDZ Map was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.

DEPARTMENT HEADS:

Carl Callahan: Nothing to report.

Chief Souders: Nothing to report.

Staci Cross: Reported that the transition of the utility billing system was going well.

She reported that the audiovisual system would be installed in the Council Chamber within the next thirty days.

She thanked her staff for working so hard and trying to keep up with the city's technology demands in spite of the department having two positions vacant.

Carolyn Moore: Nothing to report.

Chief Radzilowski: Absent from the Chamber.

John Cumming: Nothing to report.

Larry Frey: Reported that Manatee Glens had requested to increase the Shelter Care Plus (Pass Through) Grant by \$258,000, which would be approved by him.

He thanked his Fair Housing staff for their performance at the Fair Housing meeting.

He stated he would be taking a Florida Emergency Management Agency (FEMA) test which would allow increased discounts in the flood plain.

Bill Lisch: Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 10:00 p.m.

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