

**CITY COUNCIL MEETING
April 12, 2006**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on April 12, 2006 at 8:30 a.m.

Present: Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; and Councilman Ward IV Bemis Smith.

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; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Pastor Herb McMillian, First Church of the Nazarene.
Flag salute was led by Mayor Poston.

Councilman Ward V James T. Golden was excused from the meeting.

PROCLAMATIONS

COMMUNITY DEVELOPMENT WEEK PROCLAMATION – April 17 – 23, 2006

PRESENTATIONS

Bradenton Police Department - Swearing In of New Officers

Mayor Poston gave the oath of office to **Officer Christopher Liotti**.

Public Works Department – Employee Recognition

Team of the Quarter: **Randy Van Scyoc, Ralph Shaffer, Bobby McGrath, Richard Beck and Paul Thomas**, Water Treatment Plant Maintenance Crew

Supervisor of the Quarter: **Lynn Meier**, Electrical Department.

Employee of the Month for April: **Jean Eustache**, Solid Waste Department

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

CITIZEN COMMENTS

Adell Erozer, Community Coalition on Homelessness, stated that there would be a meeting on April 21, 2006 at the Manatee County Civic Center to work on a 10-year plan to end chronic homelessness.

Questions were asked and answers given regarding the sale of the present building of *Our Daily Bread* on 14th Street which would have to be completed prior to moving into the One Stop Resource Center.

COUNCIL REPORTS

Vice Mayor and Councilman Gene Gallo, Ward I: Stated that he requested Representative Bill Galvano's office to conduct a state-wide survey to determine how many counties were sharing the 911 funding with municipalities. He stated that there was nothing in the state statutes that mandated such funding.

Vice Mayor Gallo stated that Manatee County was not sharing this funding with the two municipalities, the City of Bradenton and Longboat Key which had their own 911 systems. He stated that the county also charged maintenance on the 911 phones.

Vice Mayor Gallo stated that once he received the survey, if the Council had no objections, he would go to the County Commissioners to negotiate some of the 911 funding towards the two municipalities that maintained these systems.

Vice Mayor Gallo stated that after discussions with the City Attorney, it was determined that it would require a change to the City Charter to discontinue run-off elections. He stated that prior to the next City election, he would bring this issue forward to Council for consideration to place a referendum on the ballot to eliminate no run-off elections.

Councilwoman Marianne Barnebey, Ward II: Thanked everyone for their expressions of comfort to her and her family, in the passing of her mother, Jessie Pincombe.

Councilman Patrick Roff, Ward III: Reported on the Tamiami Trail Revitalization Plan and stated that several parcels of properties had been acquired without Eminent Domain.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: Excused absence.

Mayor Wayne Poston: Reported that the City would be advertising for a new Downtown Development Authority Director as Bill Theroux would be retiring in June.

CONSENT AGENDA

Approval of Minutes for March 22, 2006.

RESOLUTION 06-29 APPOINTING TIM POLK TO THE MANATEE OPPORTUNITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

Sarasota/Manatee Metropolitan Planning Organization (MPO) Intergovernmental Agreement.

Budget Adjustments.

MOTION TO APPROVE the Consent Agenda consisting of the March 22, 2006 Minutes, Resolution 06-29, Sarasota/Manatee (MPO) Intergovernmental Agreement and Budget Adjustments as recommended by Carl Callahan was made by Vice Mayor Gallo/Councilman Smith and carried 4-0 for approval. (Councilman Golden was absent from voting.)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

AX.06.0013 WARD 4 NEIGHBORHOOD 20.03 RS

Request of Stephen W. Thompson, Esquire, agent for EU-US, LLC, owner, for an annexation of 18.1 acres located at 4915 1st Avenue East. (Zoned County A1)

FIRST READING OF PROPOSED ORDINANCE 2824

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 4915 1st AVENUE EAST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing of AX.06.0013, Ordinance 2824 for April 26, 2006 was made by Councilman Smith/Vice Mayor Gallo and carried 4-0 for approval. (Councilman Golden was absent from voting.)

AX.06.0015 WARD 4 NEIGHBORHOOD 20.03 RS

Request of Stephen W. Thompson, Esquire, agent for Southern Hospitality Associates, LLC, owner, for an annexation of a 20-foot long strip of land located at 245 48th Street Court East. (Zoned County A1)

FIRST READING OF PROPOSED ORDINANCE 2826

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 245 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing of AX.06.0015, Ordinance 2826 for April 26, 2006 was made by Councilman Smith/Vice Mayor Gallo and carried 4-0 for approval. (Councilman Golden was absent from voting.)

FIRST READING OF PROPOSED ORDINANCE 2825

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1. DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE; AMENDING SECTION 10, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 16, DISTRIBUTION OF BENEFITS; AMENDING SECTION 23, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 26, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that Ordinance 2825 addressed the administrative changes as required by recent revisions to the Internal Revenue Code.

MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2825 for April 26, 2006 was made by Vice Mayor Gallo/Councilman Smith and carried 4-0 for approval. (Councilman Golden was absent from voting.)

LU.05.0025 WARD 2 NEIGHBORHOOD 12.02 RS

Request of Clifford L. Walters, agent for The Episcopal Day Private School of Bradenton, owner, for Land Use Atlas Amendment to change the designation from County RSF4.5 to City R1-C for property located at 304 37th Street West, 222 37th Street West, and 315 41st Street West.

SECOND READING OF PROPOSED ORDINANCE 2820

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY RSF-4.5 TO CITY R1-C FOR THE PROPERTY LOCATED AT

315 41ST STREET WEST, 222 37TH STREET WEST, 304 37TH STREET WEST AND A PARCEL WITH NO ASSIGNED ADDRESS AND LEGALLY DESCRIBED.

The public hearing was opened, those in favor come forward.

Will Robinson, representing the applicant displayed a rendering and gave a brief overview of the need to change an Atlas Amendment designation from County RSF4.5 to City R-1C. He stated that the amendment was never done in 2003 when the Comprehensive Plan was adopted.

Vice Mayor Gallo referred to a letter of apology dated February 8, 2006 from Mr. Robinson to Ruth Seewer, Development Review Manager.

Mr. Robinson assured Vice Mayor Gallo that the application had been rectified, to list the correct parcels.

Those in opposition come forward.

Patricia DeFreita, 3621 1st Avenue West voiced her concern regarding lighting the athletic fields at night and parking along 1st Avenue.

Mr. Robinson stated that currently there were no lights for night games and that this rezoning would not affect the parking at this time.

The public hearing was closed.

Tim Polk gave the staff report and stated that the Department of Planning and Community Development staff and Planning Commission recommended approval of the request based on the Findings of Fact and Analysis of the proposed Atlas Amendment as the request was consistent with the Comprehensive Plan and the Manatee County designation.

No discussion followed.

MOTION TO APPROVE the second reading and public hearing of Ordinance 2820 as recommended by Department of Planning and Community Development and Planning Commission with three stipulations was made by Councilwoman Barnebey/Councilman Smith and carried 4-0 for approval. (Councilman Golden was absent from voting.)

SU.06.0020 WARD 1 NEIGHBORHOOD 4.07 RS **PUBLIC HEARING**
Request of TDS Construction, agent for Fountain Court Investors, owners, and Save-A-Lot, tenant, for Special Use approval of a grocery store within the existing Fountain Court shopping center located at 6605 Manatee Avenue West (Zoned PDP)

The public hearing was opened, those in favor come forward.

Doug Whitney, representing WBRC Architects, gave a brief overview of the proposed redesign of the 14,444 square-foot building located on the western portion of the plaza which had previously been Scotty's Lumber Store, and an Outlet Mall.

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

Tim Polk gave the staff report and stated that the Department of Planning and Community Development staff and Planning Commission recommended approval of the request with **three (3) stipulations** as follows:

1. There would be no deliveries prior to 7:00 a.m. or after 6:00 p.m. Monday through Saturday, and no deliveries on Sunday.
2. Additional dumpsters would be installed according to Public Works specifications.
3. The easternmost 130 feet of the concrete block wall on the south side of the plaza that currently enclosed the loading and refuse area would be removed.

Discussion: Not allowing the delivery trucks to idle at the loading docks prior to 7:00 a.m.

MOTION TO APPROVE SU.06.0020 as recommended by the Department of Planning and Community Development and Planning Commission with three stipulations was made by Vice Mayor Gallo/Councilwoman Barnebey and carried 4-0 for approval. (Councilman Golden was absent from voting.)

SU.06.0021 WARD 2 NEIGHBORHOOD 11.03 RS PUBLIC HEARING

Request of Quaker Steak & Lube, agent for USRP Funding, owner, for Special Use approval for outdoor patio seating, special events and permission to erect a 25-foot sign on Cortez Road for property located at 4401 Cortez Road West (Zoned C3)

The public hearing was opened, those in favor come forward.

Bill Church, owner of Clearwater Steak & Lube, gave a brief description of the proposed restaurant which was previously occupied by The Bradenton Ale House.

Mr. Church displayed renderings of the site plan and stated that there were plans to extend alcohol boundaries beyond the outdoor patio for car shows and motorcycle nights to raise money for charities.

General discussion: Location of the alcohol boundaries, parking, and security staffing during public events.

Vice Mayor Gallo stated he liked the concept of the proposed restaurant but could not support the request to extend the alcohol boundaries. He stated that in his opinion, due to the fact that motorcycles are extremely loud, this site was the wrong location for these types of public events.

Bill Lisch stated that this would be the opportunity to place stipulations for special events, as private business owners did not have to come before Council for approval of these types of events.

Mr. Church addressed the noise concerns and stated that at his current facility in Clearwater he works closely with the surrounding neighbors and values their concerns.

He referred to a letter from Judy Festop, President of the Lake Homeowners Association, neighbors near the Clearwater facility, thanking Mr. Church for taking care of the concerns of the neighborhood during special events.

Councilman Smith stated he had some concerns regarding noise, but noted that there was a water barrier and trees next to the site which would help to buffer the noise.

Councilman Roff stated that the restaurant appeared to be a good business establishment and commented the Shorewalk Condominiums behind the building were mostly seasonal rentals.

Discussion: Not to allow the extended alcohol boundaries and, thereby eliminate the space needed for special events.

Mr. Church stated that without the approval to extend the alcohol boundary during special events, he would not be interested in opening the establishment at this location.

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

Tim Polk gave the staff report and stated that 116 notices had been sent out to adjacent property owners within the 300 feet requirement, and no complaints had been received. He stated that the Planning Commission and Department of Planning and Community Development staff recommended approval of the request with the following **eight (8) stipulations**:

1. Permission from the owner/operator of the shopping plaza was required prior to installation of a freestanding sign at the access to Cortez Road.
2. The proposed sign could not exceed 32 square feet.
3. The Fire Marshal must be notified 48 hours prior to each outdoor event.
4. Outdoor events were required to conclude no later than 10:00 p.m.
5. The temporary fence for any outdoor event could not encompass the easternmost drive aisle or parking area.
6. Security personnel would be required for all outdoor events, at the expense of Quaker Steak & Lube.
7. Existing lighting would not be altered.
8. No vehicle would be repaired on the premises.

Councilman Smith requested **one additional stipulation**: To notify the Police Department of any special events at least two weeks in advance.

MOTION TO APPROVE SU.06.0021 as recommended by the Planning Commission and Department of Planning and Community Development staff with eight stipulations and one added stipulation was made by Councilman Roff/Councilman Smith and carried 3-2 for approval with Vice Mayor Gallo and Councilwoman Barnebey in opposition with Mayor Poston breaking the tie vote. Councilman Golden was absent from voting.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

There was no new business.

BUSINESS BY APPOINTMENT

Request by Mecon, Inc./ David Horton

Road Closure in Vicinity of Blake Center/Air Handler Installations

David Horton, requested approval for a road closure on 61st Street, and 21st Avenue West, and closure of one entrance into Freedom Village Senior Living Community on 17th Avenue West for a period of June 2 – 4, 2006.

He stated the road closure was planned for no more than 5 hours, for the placement of cranes, to install two large air handlers on Blake Medical Center. He stated that the closures would be manned by Bradenton Police Officers.

No discussion followed.

MOTION TO APPROVE the request from Mecon, Inc. was made by Vice Mayor Gallo/Councilwoman Barnebey and carried 4-0 for approval. Councilman Golden was absent from voting.

DEPARTMENT HEADS

Carl Callahan: RECOMMENDED AUTHORIZATION to proceed with the renovation of the Grants & Assistance offices located at 912 & 914 7th Avenue East at an estimated cost of \$100,000 to \$125,000.

No discussion followed.

MOTION TO APPROVE the renovation as recommended by Carl Callahan was made by Vice Mayor Gallo/Councilman Smith and carried 4-0 for approval. Councilman Golden was absent from voting.

Chief Souders: Nothing to report.

Staci Cross: Reported on the upgrades of the new domain controller for each desktop increase the capacity of the Outlook program. She stated that the new upgrade would require each user to create a new password every 90 days for increased security.

She stated that the IT Department had hired a security auditor, who had found an issue on one server. She stated that the server had been disabled and the concern had been addressed.

She stated that the police patrol vehicles had been implemented with the new technology upgrades.

She stated that training would begin next week for employees who would be using OSSI, the new public safety system.

She reported that a new mobile Code Enforcement system for use out in the field had worked well during a test run performed by Code Enforcement Officer Cheryl Landers.

Chief Radzilowski: Referred to an article in today's *Bradenton Herald* in which Sheriff Wells expressed his concerns regarding gang related violence and stated that he shared those concerns. He stated that the city had seen a decrease in crime this past year with a higher closure rate for crimes than the national average.

He stated that due to the continuous increase in gang related violence, additional resources were needed to maintain law enforcement, so that the City would not lose what it had gained during the last three years.

General discussion: Increased gang activity throughout the city with another tight budget year anticipated for not only the police and fire departments, but also in every city department.

John Cumming: Reported on a tracking mobility study with Manatee County and the City of Palmetto, to study the east to west downtown traffic congestion and along the north and south bridge areas.

He stated there had been numerous discussions with the Southwest Florida Water Management District (SWFWMD), requesting assistance with financing of the 6-8 million dollars needed for expansion of the City's reservoir. He stated that if the City conformed to the Peace River Manatee River Water Supply Authority (PRMRWSA) regional plan this would insure funding for the PRMRWSR expansion project. He stated that knowing the Council's anticipated direction, he had made a tentative agreement to accept a program with PRMRWSA to tie into their system with an inter-connection near the City's water system. He stated that during the rainy season, any overflow of surplus water into the City's reservoir could provide water to the PRMRWSA; and when there was a drought season, PRMRWSA could provide water to the City's reservoir as needed.

Mr. Cumming reported that permitting had been obtained and debris removed to begin the road extension on 8th Avenue from 9th Street to the east.

Mr. Cumming stated that the lift station improvement project for several lift stations had also begun.

Tim Polk: Reported on the Character Compatibility Study and distributed the summary of workshop results dated April 10, 2006. He stated that this summary addressed height, density, design and compatibility issues. He stated at the end of the day the results indicated that there was less of a concern with height or density, and more of a concern with design, area compatibility, placement, and accessibility.

Mayor Poston stated that after much discussion with Joe McClash, Chairman of the Manatee County Board of Commissioners and Mayor Larry Bustle, City of Palmetto, it was agreed to leave *The Accord* the way it currently is and that the County would not move forward with the Charter Government issue.

Bill Lisch: Nothing to report.

Carolyn Moore: Referred to a flyer that would be distributed to the employees with the next pay check, regarding the need to donate blood on behalf of a fellow employee who was ill. She stated that on April 21st, Blood Mobile's would be stationed at City Hall from 12:00 p.m. to 3:00 p.m. and at the Public Works Annex from 11:00 a.m. to 2:00 p.m.

She stated that Spanish classes were beginning on May 8th for Customer Service employees and May 9th for First Responders.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:25 a.m.

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