

**CITY COUNCIL MEETING
September 12, 2007**

**APPROVED BY
September 26, 2007
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 September 12, 2007 at 8:30 a.m.

Present: Mayor Wayne Poston; Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

City Officials: 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; and Carolyn Moore, Human Resources Director.

Press: The Herald and the Herald-Tribune.

The meeting was called to order by Mayor Poston.
Ecumenical invocation was led by Councilman Golden, City Chaplain.
Pledge of Allegiance was led by Representative Bill Galvano.

Staci Cross, Information Technology Director was excused from the meeting.

PROCLAMATIONS

NATIONAL LITERACY MONTH – September, 2007

FIRE PREVENTION WEEK – October 7-13, 2007

CONSTITUTION WEEK – September 16-22, 2007

PRESENTATIONS

NORMA LLOYD PARK GRANT CHECK BY REPRESENTATIVE GALVANO

Representative Bill Galvano gave a brief legislative session update and presented a check in the amount of \$200,000 to Mayor Poston; Sherod Halliburton, Executive Director of the CCRA, and Patrick Carnegie, Executive Director of the 13th Avenue Community Center.

BRADENTON POLICE DEPARTMENT

- Commendation Awards were presented to **Officers Jay Gow, Michael Kriebel, Lixa Arostegui and Joshua Small.**
- Plaques for Twenty Years of Service were presented to **Officer Tim Smith and Detective John Thomas.**
- **Master Patrol Officer Charles “Randy” Moore**, was named “Officer of the Month” for September.

BRADENTON FIRE DEPARTMENT

Life Saving Award was presented to **Fred Rentz**, Sanitation Commercial, Public Works Department.

INFORMATION TECHNOLOGY – “BETTER PLACE”

Sandy Markman, Information Technology Business Analyst, gave a brief overview of a new tool on the city’s home web page designed by Florida League of Cities that allows citizens to file complaints on-line from home and keep track of actions taken by city departments.

Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Stated she had attended a program at the Woodland Church which had featured guest speaker Charlie Ward, FSU Heisman Trophy Winner.

Councilman Patrick Roff, Ward III: Commented on the wonderful ceremony which was held in honor of the September 11, 2001 heroes and commended the staff and well behaved students from Ballard Elementary School.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman James Golden, Ward V: Stated he would be unable to attend the September 26, 2007 Council meeting as he had been honored to deliver the invocation at the opening of the House of Representatives the morning of September 27, 2007.

Councilman Golden thanked Councilman Roff for accepting the appointment to serve on the Urban Services Council of the Florida League of Cities.

Councilman Golden announced his appointment as the Chair of the Municipal Services Delivery Council.

Mayor Wayne Poston: Stated that the first meeting of the Tampa Bay Area Regional Transportation Authority had gone very well. Mayor Poston stated that this board, had been established by the legislature to organize public and private partnerships for transportation services in the Tampa Bay area.

Mayor Poston stated that he had again been re-elected to the Florida League of Mayors.

CONSENT AGENDA

- (a) Approval of Minutes of July 18, 2007.
- (b) Resolution 07- 40 supporting passage of the Florida Senate Joint Resolution 436.
- (c) Resolution 07-41 firefighting responsibilities for annexed property located at 3904 Cortez Road West.
- (d) Resolution 07-42 authorizing the Mayor to execute the Wade-Trim, Inc. Agreement. *(Withdrawn)*
- (e) Resolution 07-44 revising the term expiration dates of the CCRA.
- (f) Acceptance of 2007 Project Safe Neighborhood Grant.
- (g) Acceptance of 2007 Justice Assistance Grant.
- (h) Acceptance of 2008 Flood Mitigation Assistance Grant.
- (i) Public Event: Request by the Boys & Girls Clubs of Manatee County to hold the "Carnivale for Kids Dinner and Auction" outside north of the auditorium entrance in conjunction with the rental of the Bradenton Auditorium on November 17, 2007.

Councilwoman Barnebey noted that Resolution 07-40 supported the Senate Joint Resolution 436 which would allow Florida voters to be heard and if approved by the voters, would place a permanent buffer around Florida's coast to protect Florida's economy and environment from off-coast drilling.

MOTION TO APPROVE THE CONSENT AGENDA (a) through (h) with item (d) withdrawn by Tom Cookingham and item (i) Boys and Girls Clubs of Manatee County public event reserved for discussion was made by Councilwoman Barnebey seconded by Councilman Golden and carried 5-0 for approval.

General discussion: The Boys and Girls Clubs event had been scheduled in the auditorium with a request to also utilize the outside portico on the north side of the auditorium for a portion of the event.

Councilman Golden noted from the application that alcohol would be served, therefore due to his religious conviction; he would not be able to vote in favor of the event.

MOTION TO APPROVE item (i) Boys and Girls Clubs of Manatee County public event was made by Councilwoman Barnebey seconded by Councilman Roff and carried 4-1 for approval with Councilman Golden in opposition.

The following two items were moved up on the agenda:

A public event request by the Rotary Club to hold the first “Rotary’s Taste of Manatee” on Saturday and Sunday, November 3 & 4, 2007 on Old Main Street and Barcarrota Boulevard West to 15th Street West.

A public event request by Florida Fundraiser to hold the “Bradenton Beer Festival” on Old Main Street on Saturday, November 3, 2007.

General discussion that the two events were overlapping each other and that both events were for worthy causes the “Rotary’s Taste of Manatee” fundraising for Meals on Wheels and the “Beer Festival” fundraising for the Brain & Spinal Cord Institute.

Further issues to consider were the previously planned events to be held at the same time at the South Florida Museum and the Municipal Auditorium. Concerns by Mattison’s Riverside Grille and the Twin Dolphin Marina were discussed and the impact that events on Barcarrota Boulevard had on parking and transportation for area businesses and residents. That the Art Festival was also already scheduled for the following weekend at this same location.

Mr. Callahan stated he had concerns that too much was going on at one time in the downtown area. He stated that the Taste of Manatee had been held on the first weekend of November for 20 years and recommended approval. He suggested to not approve the Beer Festival for this date and to consider this event for a different time of the year.

Mayor Poston and Councilwoman Barnebey stated that these issues were wonderful challenges to have in the downtown area.

Further discussion for concerns about parking problems in the downtown area during auditorium events and to try and accommodate everyone. The possibility to hold future venues at Rossi Park.

Tony Gallo, past president of the Rotary Club and the Florida Restaurant Association Local Chapter stated that they were working out the details with Mattison’s, the Twin Dolphin Marina, the Manatee Players and the public library. He stated that after 20 years of organizing the Taste of Manatee Rick Coffey had stepped down and the Rotary Club had stepped in.

MOTION TO APPROVE the “Rotary’s Taste of Manatee” event as requested was made by Councilwoman Barnebey seconded by Councilman Roff and carried 4-1 for approval with Councilman Golden in opposition.

MOTION TO DENY the Bradenton Beer Festival for the date requested and to recommend that they move the event to a different date was made by Councilman Golden seconded by Councilman Roff and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

CP.07.0019/Zeris

Request of Kim Mills, realtor, agent for Stamatis and Sharon Zeris, et al, owners, for approval of a Comprehensive Plan Amendment Application (Large Scale) to change the Future Land Use designation from Residential-10 to UCBD (Urban Central Business District) for property located at 1503 to 1625 9th Avenue West. (Zoned R-3A)

SECOND READING OF PROPOSED ORDINANCE 2871 **PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 1503 9TH AVENUE WEST, 1519 9TH AVENUE WEST, 1527 9TH AVENUE WEST, 1601 – 1611 9TH AVENUE WEST, 1613 9TH AVENUE WEST, 1619 9TH AVENUE WEST AND 1625 9TH AVENUE 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 CP.07.0019) CHANGING THE FUTURE LAND USE DESIGNATION FROM CITY RESIDENTIAL 10 TO CITY UCBD (URBAN CENTRAL BUSINESS DISTRICT); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened, anyone wishing to speak in favor come forward.

Stamatis Zeris, owner of the properties, requested approval of the request to change the zoning and land use designation.

Anyone wishing to speak in opposition come forward, no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations.

Councilman Roff stated that 9th Avenue was one of the city’s main thoroughfares and that it was his hope that something good would be developed on this property.

MOTION TO APPROVE CP.07.0019, Ordinance 2871 with the recommendation for approval made by the Planning and Community Development staff and Planning Commission was made by Councilman Roff seconded by Councilwoman Barnebey and carried 5-0 for approval.

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**LU.07.0036/Zeris**

Request of Kim Mills, realtor, agent for Stamatis and Sharon Zeris, et al, owners, to change the Land Use Atlas designation from Residential 3-A (R-3A) to Urban Central Business District Overlay/Downtown Fringe District (UCBD/C-1) for property located at 1503 9<sup>th</sup> Avenue West, 1519 9<sup>th</sup> Avenue West, 1527 9<sup>th</sup> Avenue West, 1601–1611 9<sup>th</sup> Avenue West, 1613 9<sup>th</sup> Avenue West, 1619 9<sup>th</sup> Avenue West and 1625 9<sup>th</sup> Avenue West. (Zoned R-3A)

**SECOND READING OF PROPOSED ORDINANCE 2872** **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 RESIDENTIAL-3A (R-3A) TO URBAN CENTRAL BUSINESS DISTRICT OVERLAY/DOWNTOWN FRINGE DISTRICT (UCBD/C-1) OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 1503 9<sup>TH</sup> AVENUE WEST, 1519 9<sup>TH</sup> AVENUE WEST, 1527 9<sup>TH</sup> AVENUE WEST, 1601-1611 9<sup>TH</sup> AVENUE WEST, 1613 9<sup>TH</sup> AVENUE WEST, 1619 9<sup>TH</sup> AVENUE WEST AND 1625 9<sup>TH</sup> AVENUE WEST, AND LEGALLY DESCRIBED.

The public hearing was opened, anyone wishing to speak in favor come forward.

**Stamatis Zeris**, owner of the properties, requested approval of the request to change the zoning and land use designation.

Anyone wishing to speak in opposition come forward, no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations.

Councilman Smith voiced his concern regarding commercial encroachment into the residential neighborhood around 9<sup>th</sup> Avenue West.

Councilwoman Barnebey stated that encroachment concerns were for streets not heavily traveled. She stated that 9<sup>th</sup> Avenue was highly traveled and a major roadway.

Ruth Seewer, Development Review Manager, stated that the Planning and Community Development staff endorsed this request because of the multi-family use that already existed there. She stated the multi-family use caused a non-conformance issue and that banks would not loan to property owners to upgrade their properties. Ms. Seewer stated that changing the zoning would give the area property owners more options to improve existing buildings or to upgrade their properties by development.

Lengthy discussion: Mixed-uses for commercial and residential neighborhoods.

**MOTION TO APPROVE LU.07.0036, Ordinance 2872 with the recommendation for approval made by the Planning and Community Development staff and Planning Commission was made by Councilman Roff seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

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CP.07.0020/Morgan Johnson

Request of Barbara Levin, Esquire, agent for Morgan Johnson Associates, LLC, and Bradenton Baptist Church, Inc., owners, for approval of a Comprehensive Plan Amendment Application (Large Scale) to change the Future Land Use designation from County Res-6 to City Commercial for property located at 5412, 5520, 5526 and 5530 SR 64 East.

SECOND READING OF PROPOSED ORDINANCE 2873 **PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 5412, 5520, 5526, AND 5530 SR 64 EAST 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 CP.07.0020) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY COMMERCIAL, PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

LU.07.0037/Morgan Johnson

Request of Barbara Levin, Esquire, agent for Morgan Johnson Associates, LLC, and Bradenton Baptist Church, Inc., owners, to change the Land Use Atlas designation from County Suburban Agriculture and Neighborhood Commercial – Medium (A-1 and NC-M) to City PDP (Planned Development Project) or other appropriate zone for property located at 5412, 5520, 5526 and 5530 SR 64 East.

SECOND READING OF PROPOSED ORDINANCE 2874 **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 SUBURBAN AGRICULTURE AND NEIGHBORHOOD COMMERCIAL- MEDIUM (A-1 AND NC-M) TO CITY PDP (PLANNED DEVELOPMENT PROJECT) OR OTHER APPROPRIATE ZONE FOR THE PROPERTIES LOCATED AT 5412, 5520, 5526, AND 5530 SR 64 EAST AND LEGALLY DESCRIBED.

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

Barbara Levin agent, stated that this was the last step of the Comprehensive Plan amendment and gave a brief overview of the planned development. She stated that the neighbors behind the church had requested to install a gate with a locked key pad and her client had agreed to this request.

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

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations.

MOTION TO APPROVE CP.07.0020, Ordinance 2873 with the recommendation for approval made by the Planning and Community Development staff and Planning Commission was made by Councilman Smith seconded by Councilwoman Barnebey and carried 5-0 for approval.

MOTION TO APPROVE LU.07.0037, Ordinance 2874 with the recommendation for approval made by the Planning and Community Development staff and Planning Commission was made by Councilman Smith seconded by Councilwoman Barnebey and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

NOTICE OF AVAILABILITY OF STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) ANNUAL REPORT FISCAL YEARS 2004-05, 2005-06, & 2006-07.

Mr. Callahan read the following notice:

Notice is hereby given that the City of Bradenton has prepared its Annual State Housing Initiative Partnership (SHIP) report for the periods covering State fiscal years 2004-05, 2005-06, and 2006-07.

A public hearing will be held on Wednesday, September 12, 2007, at 8:30 A.M. in City Council Chambers at City Hall, 101 Old Main Street, to consider oral and written comments on the SHIP report.

The SHIP Annual Report will be available at the following locations:

- City Clerk's Office, 101 Old Main Street, Bradenton, FL 34205
- Housing & Community Development Office, 912 7th Avenue East, Bradenton, FL 34208
- Manatee County Library, 1301 Barcarrota Boulevard, Bradenton, Florida 34205

The SHIP Annual Report will be available for public inspection during regular business hours commencing August 24, 2007 and will be available until September 12, 2007 at which time the report will be mailed to the State Housing Finance Corporation, Tallahassee, Florida on September 15, 2007.

Timothy Polk, Director Planning & Community Development
Wayne Poston, Mayor
City of Bradenton

Published: August 24, 2007

Mr. Polk stated that the Planning and Community Development staff recommendation was for approval.

RESOLUTION 07-45

PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE CITY'S LOCAL HOUSING ANNUAL REPORT FOR STATE FISCAL YEARS 2004-2005, 2005-2006, AND 2006-2007.

MOTION TO APPROVE Resolution 07-45 with the recommendation made by the Planning and Community Development staff was made by Councilman Smith seconded by Councilman Golden and carried 5-0 for approval.

REQUEST BY Elbert A. Barnes, Traffic Control Devices, to install a Traveler Information System sign, approximately 37 square feet, on the westbound side of Manatee Avenue West/SR 64 right-of-way, 219 feet west of the Village Green Parkway intersection.

Mr. Polk stated that the Planning and Community Development staff had been working with Manatee County and the Department of Transportation and requested that this be brought forward to Council. The staff recommended approval of the request.

Ruth Seewer stated that the sign was over Manatee Avenue in the city's right-of-way and that this request was for a directional sign for emergency hurricane evacuation routes.

MOTION TO APPROVE the request by Elbert A. Barnes, Traffic Control Devices was made by Vice Mayor and Councilman Gallo seconded by Councilwoman Barnebey and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Reminded everyone that Tuesday, September 18, 2007 was the second reading and final public hearing for setting the millage rate and budget changes.

Chief Souders: Nothing to report.

Staci Cross: Excused absence.

Chief Radzilowski: Referred to the wonderful presentation by the police department earlier in the meeting. He stated it sent a positive message to the community and that he was very proud of his department.

John Cumming: Nothing to report.

Tim Polk: Displayed a Comprehensive Plan Update and spoke briefly about the process, project and tracking schedule allowing the public to make comments along the way.

He stated that the plan would address seven (7) elements: Design, Parks and Recreation, Transportation, Future Land Use, Historic Preservation, Housing, and Capital Improvements. He stated this plan would be placed on the city's website for citizens to review and submit their comments.

He gave a brief overview of the Project Tracking "timeline" showing the process which began in August, 2007 and would culminate with the final adoption by City Council in October, 2008.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

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 CD of the meeting is available for a fee upon request. Due to a technical error there is no sound on the DVD.