

**CITY COUNCIL MEETING  
March 22, 2006**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on March 22, 2006 at 6:00 p. m.

**Present:** Vice Mayor and Councilman Ward I Gene Gallo; 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; Michelle Hall, Acting 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 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 Councilman Golden.

Councilwoman Ward II Marianne Barnebey and Councilman Ward III Patrick Roff were excused from the meeting.

PROCLAMATIONS

**FAIR HOUSING MONTH PROCLAMATION – APRIL, 2006**

PRESENTATIONS

**Permit Demonstration by Bruce Williams - Information Technology Department**

Bruce Williams and Staci Cross gave a brief demonstration of the Department of Planning and Community Development's permitting system and stated that the public now had access to review any permits on-line.

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

CITIZEN COMMENTS

**Andy and Wendy East**, requested the City to do something about the roosters running free in their Village of the Arts neighborhood.

General discussion on what could be done to remove the roosters.

Mayor Poston stated that he would contact Manatee County and discuss what could be done as the City operates under the County's animal ordinance and utilizes the County Animal Control Department.

**Jim Murray and Mary Stritzel Townsley** voiced their concern that the City was not doing enough to keep the Manatee Players in Bradenton.

General discussion regarding the Players wanting to enlarge their building design, but there was not enough property to do this at their present location. Alternative solutions to find other property in the City and that the Players were facing a deadline at the end

of this year and need to obtain funds to accomplish their goal of acquiring a larger building site.

**Mary Sheppard**, 4220 32<sup>nd</sup> Court East invited the Council members to a County workshop to be held on March 30, 2006 at the Civic Center to discuss heights of buildings and where buildings should be located.

Mayor Poston thanked Mary Sheppard and stated that the City had already given many presentations regarding the building height and location issue.

## COUNCIL REPORTS

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

**Councilwoman Marianne Barnebey, Ward II:** Excused absence.

**Councilman Patrick Roff, Ward III:** Excused absence.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman James Golden, Ward V:** Nothing to report.

**Mayor Wayne Poston:** Nothing to report.

## CONSENT AGENDA

**Approval of Minutes for March 8, 2006.**

### **RESOLUTION 06 -28**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, EXPRESSING OPPOSITION TO THE RECOMMENDATIONS OF THE OFFICE OF PROGRAM POLICY AND ANALYSIS AND GOVERNMENT ACCOUNTABILITY TO TRANSFER MANATEE COUNTY AND THE CITY OF BRADENTON, OUT OF THE TAMPA BAY REGIONAL PLANNING COUNCIL; PROVIDING AN EFFECTIVE DATE.

**MOTION TO APPROVE the Consent Agenda, March 8, 2006 Council minutes and Resolution 06-28 was made by Councilman Golden/Councilman Smith and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **LU.05.0025**

### **FIRST READING OF PROPOSED ORDINANCE 2820**

*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 41<sup>ST</sup> STREET WEST, 222 37<sup>TH</sup> STREET WEST, 304 37<sup>TH</sup> STREET WEST AND A PARCEL WITH NO ASSIGNED ADDRESS AND LEGALLY DESCRIBED.*

No discussion followed.

**MOTION TO APPROVE LU.05.0025, Ordinance 2820 for the first reading and set the second reading and public hearing for April 12, 2006 was made by Councilman Smith/Vice Mayor Gallo and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

**AX.06.0014**

**FIRST READING OF PROPOSED ORDINANCE 2823**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 4455 SR 64 EAST AND LEGALLY DESCRIBED.*

No discussion followed.

**MOTION TO APPROVE AX.06.0014, Ordinance 2823 for the first reading and set the second reading and public hearing on April 26, 2006 was made by Councilman Smith/Vice Mayor Gallo and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

**SECOND READING OF PROPOSED ORDINANCE 2821**

**PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA AMENDING CHAPTER 18, ARTICLE IX, PROVIDING FOR THE ADOPTION OF THE 2006 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; PROVIDING FOR CODE ENFORCEMENT BY CODE OFFICIALS AND OFFICERS; PROVIDING FOR REVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE PROVIDING FOR AN ADOPTION OF AN ADDENDUM TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE KNOWN AS THE MINIMUM MAINTENANCE STANDARDS AND GUIDELINES; IN MAKING SUCH MINIMUM MAINTENANCE STANDARDS AND GUIDELINES APPLICABLE THROUGHOUT THE CITY; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.*

**SECOND READING OF PROPOSED ORDINANCE 2822**

**PUBLIC HEARING**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 2, SECTION 2-358 OF THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA WHICH ORDINANCE SECTION PROVIDES FOR SUPPLEMENTAL ENFORCEMENT PROCEDURE OF CITY CODES AND ORDINANCES BY AMENDING SECTION B OF THE SCHEDULE OF VIOLATIONS AND PENALTIES TO REFLECT NEW CODE OF ORDINANCE REFERENCES AND CLASSIFICATIONS; PROVIDING AN EFFECTIVE DATE.*

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

**Volker Reiss**, Code Enforcement Compliance Supervisor, gave a brief report on both ordinances and stated that by adopting the two ordinances it would bring the City into compliance with the 2006 International Property Maintenance Code and would give the Code Enforcement Department more enforcement leverage, to be used city-wide.

**Jeff Reagan**, Code Enforcement Board member voiced his approval to adopt both ordinances as it would give the Code Enforcement Officers more enforcement power to act effectively throughout the City instead of in certain areas.

**MOTION TO APPROVE Ordinance 2821 with amendments was made by Councilman Smith/Councilman Golden and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

**MOTION TO APPROVE Ordinance 2822 was made by Councilman Smith/Councilman Golden and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**REQUEST BY** Walter Wade, representing Sacred Heart Church, to hold a reenactment of Christ's Crucifixion on Friday, April 14, 2006 with street closures on 12<sup>th</sup> and 14<sup>th</sup> Avenues West and on 15<sup>th</sup> and 16<sup>th</sup> Streets West, from 4:00 p.m. to 5:30 p.m.

No discussion followed.

**MOTION TO APPROVE the request by Walter Wade was made by Councilman Golden/Vice Mayor Gallo and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

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**REQUEST BY** Nick Baden, representing Manatee-Sarasota Fish & Game Association Inc., to hold a "Taste of Florida" event on Saturday, April 22, 2006 at 1005 Barcarrota Boulevard, from 10:30 a.m. to 11:00 p.m.

No discussion followed.

**MOTION TO APPROVE the request by Nick Baden was made by Vice Mayor Gallo/Councilman Smith and carried 2-1 for approval. Councilman Golden was in opposition.** (Councilwoman Barnebey and Councilman Roff excused absence.)

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Mr. Callahan stated that at the February 22, 2006 meeting the Council approved two street events requested by Allen Yearick; the first on March 17<sup>th</sup> and the second on May 29<sup>th</sup>. He stated that due to time restrictions and other conflicts, Mr. Yearick had not been able to execute the March 17, 2006 event.

Mr. Callahan stated that Mr. Yearick was now requesting to hold a street event in observation of Cinco de Mayo on May 5, 2006, along with the previously approved event on May 29, 2006.

**MOTION TO APPROVE the request by Allen Yearick for a street event on May 5, 2006 was made by Councilman Smith/Vice Mayor Gallo and carried 2-1 for approval. Councilman Golden was in opposition.** (Councilwoman Barnebey and Councilman Roff excused absence.)

Matt McLachlan

**RESOLUTION NO. 06-26**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE EVALUATION AND APPRAISAL REPORT FOR THE CITY'S COMPREHENSIVE PLAN; STATING THE INTENT OF THE COUNCIL TO AMEND THE COMPREHENSIVE PLAN BASED UPON RECOMMENDATIONS CONTAINED IN THIS REPORT; AND APPROVING TRANSMITTAL OF THE REPORT TO THE DEPARTMENT OF COMMUNITY AFFAIRS IN ACCORDANCE WITH SECTION 163.3191, FLORIDA STATUTES.

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

**Frances Chandler-Marino**, Director of Regional Planning for Glatting Jackson, Kercher, Anglin, Lopez and Rinehart in Orlando, Florida, gave a brief overview of the Evaluation

and Appraisal Report (EAR). She stated that after reviewing the report, the Department of Community Affairs (DCA) encouraged the City to make five (5) necessary revisions. They were as follows:

1. The identification of major issues, and where pertinent, the potential social, economic, and environmental impact within the Coastal High Hazard Area.
2. Population growth and changes in land area.
3. The extent of vacant and developable land.
4. The financial feasibility of providing needed infrastructure to achieve and maintain adopted levels of service standards and sustain concurrency through capital improvements, as well as the ability to address infrastructure backlogs and meet the demand of growth and public facilities.
5. Relevant changes in growth management law.

She recommended approval of Resolution 06-26 and stated that each of the five revisions had been addressed with corrections made.

Questions were asked and answers given regarding the EAR.

**Mary Sheppard**, 4220 32<sup>nd</sup> Court East, spoke in favor of the Evaluation and Appraisal Report and stated she was impressed with the City's ideas for future growth.

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

Tim Polk stated that April 1, 2006 was the deadline to send the Resolution back to DCA and recommended approval of Resolution 06-26.

**MOTION TO APPROVE Resolution 06-26 as recommended by the Department of Planning and Community Development was made by Councilman Smith/Councilman Golden and carried 3-0 for approval.** (Councilwoman Barnebey and Councilman Roff excused absence.)

## DEPARTMENT HEADS

**Carl Callahan:** Reported on the high attendance at the Pittsburgh Pirate games at McKechnie Field.

Mr. Callahan reported that the Senior Amateur Golf Tournament was successful with over 170 golfers in attendance at the River Run Golf Course.

Mr. Callahan stated that last year's renovations to River Run Golf Course had drawn a good turnout of players. Judging by the current revenue so far, March could turn out to be a record month.

Mr. Callahan stated that the Judicial Parking Garage should be completed within the next 30 days.

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Stated he attended a meeting today with County law enforcement officials regarding a proposed County ordinance that would prohibit under aged individuals from entering any establishment which sells alcoholic beverages. He stated that the new ordinance would help to make the law more enforceable and prevent anyone from bringing underage children into adult settings.

**John Cumming:** Reported that he and John Ormando had attended a FEMA hurricane response course in Maryland. He stated that it had been very informative on how to establish a working relationship between the City and FEMA in the event of a disaster emergency.

**Tim Polk:** Nothing to report.

**Michelle Hall:** Nothing to report.

**Carolyn Moore:** Nothing to report.

### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 10:40 p.m.

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