

CITY COUNCIL MEETING
January 22, 2003

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on January 22, 2003 at 6:00 a.m.

Present: Councilman Ward I Gene Gallo
Councilwoman Ward II Marianne Barnebey
Vice Mayor and Councilwoman Ward III Michele Weaver
Councilman Ward IV Bemis Smith
Councilman Ward V James T. Golden

Also Present: Carl Callahan, City Clerk and Treasurer
John Cumming, Public Works Director
William Lisch, City Attorney
Mark Souders, Fire Chief
Michael Radzilowski, Police Chief
Ruth Seewer, Development Review Manager

Press: Bradenton Herald
Manatee Herald Tribune
Channel 40

The meeting was called to order by Mayor Poston.

Prayer was led by Councilman Golden.

Flag salute was led by Councilman Gallo.

Approval of minutes for December 18, 2002 and December 23, 2002 minutes.

Correction was made to change the Police Chief to Michael Radzilowski on the December 18, 2002 minutes.

No discussion followed.

Motion to approve the December 18, 2002 minutes with the change and the December 23, 2002 minutes was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 5-0 for approval.

PROCLAMATION:

Mr. Callahan read the following:

SHRINER'S CHILDRENS HOSPITAL BENEFIT DAYS PROCLAMATION

Dick Nelson, second vice president of the Manatee Shrine Club accepted the proclamation.

Mr. Callahan read the following:

BRADENTON BUCCANEER BLAST DAY PROCLAMATION

Mr. Callahan read the proclamation proclaiming Friday, January 24, 2003 as Bradenton Buccaneer Blast Day to rally together and cheer on the Tampa Bay Buccaneers to victory at Super Bowl XXXVII on Sunday, January 26, 2002.

PRESENTATION:

**Bill Theroux, Downtown Development Authority Director
Thursday night public events**

Bill Theroux gave an update of downtown public events for the next five (5) months:

First Thursday of the month on Old Main Street from Manatee Avenue north to 3rd Avenue from 6:00 pm to 9:00 pm will feature “Mainly Music”.

Second Thursday of the month on Old Main Street from Manatee Avenue north to 4th Avenue from 6:00 pm to 8:00 pm called “Get Around Downtown”. No alcohol would be served or sold.

Third Thursday of the month will continue the “Get Down Downtown” from Manatee Avenue north to 3rd Avenue West from 5:30 pm to 9:30 pm.

Fourth Thursday of the month on Old Main Street from Manatee Avenue north to 3rd Avenue from 5:30 pm to 9:30 pm for the “Antique Car Show”. No alcohol would be served or sold.

NO ACTION WAS TAKEN. The Council had approved the request from the December 18, 2002 Council meeting.

Bill Theroux gave a brief detail of a special event called “Bradenton’s Bucs Blast” and requested closure of Old Main Street from Manatee Avenue north to 3rd Avenue West from 6:00 pm to 9:00 pm. He stated it would be a one-time event to show Bradenton’s support and cheer the Buccaneers to victory at Super Bowl XXXVII.

No discussion followed.

Motion to wave the requirement for a public event application and support this one-time activity was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 5-0 for approval.

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

PUBLIC COMMENTS:

Helen Mitchell, member of the Manatee County Safety Council voiced her concern for a speed trap located south of Cortez on 51st Street West.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Nothing to report.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey voiced her concern regarding advertisers who were using the City Centre as a bank building in an advertisement. She asked Bill Lisch if there was a policy in place regarding people using City property for false advertising.

Bill Lisch stated that he was not aware of any policy but would call other City's to see if they had such a policy.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver stated she was honored to have spoken to a sorority group of educators at the Bradenton Country Club.

Councilman Bemis Smith, Ward IV:

Nothing to report.

Councilman James Golden, Ward V:

Councilman Golden thanked everyone who attended the Martin Luther King Jr. Park dedication.

Councilman Golden expressed his thanks to everyone in the community for the recognition for his community service.

Councilman Golden solicited everyone to support and participate in the "Image Manatee Initiative".

Mayor Poston:

Nothing to report.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

AN ORDINANCE AMENDING SECTION 6.5 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY ADDING MARTIN LUTHER KING, JR. PARK TO THE LIST OF PARKS IN WHICH THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED; PROVIDING AN EFFECTIVE DATE.

Motion to accept the first reading and set the second reading and public hearing for February 12, 2003 was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 5-0 for approval.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 400 41st STREET WEST AND LEGALLY DESCRIBED AS FOLLOWS:

LOTS 1, 2, 3, 4, 5 AND LOTS 11, 12, 13, 14, AND 15, BLOCK F, GLEN RIDGE SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 92, PRMCF,

Discussion: Utility issue.

Motion to accept the first reading and set the second reading and public hearing for February 26, 2003 was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Mr. Callahan read the following:

M-CPA-02-10 WARD 2 RESOLUTION & SECOND PUBLIC HEARING

Request of Clifford Walters, as agent for Episcopal Day Private School, for a Comprehensive Plan amendment to change the Future Land Use Designation from Manatee County Residential 6 to City of Bradenton Residential 10 on the property located at 315 41st Street West.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS PROPOSED COMPREHENSIVE PLAN AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN; MAKING CERTAIN FINDINGS OF FACT; AUTHORIZING TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT APPLICATION M-CPA-02-10, EPISCOPAL DAY PRIVATE SCHOOL, AMENDING THE FUTURE LAND USE ELEMENT (FUTURE LAND USE MAP); PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Poston requested anyone wishing to speak in favor of the request to please come forward. No one came forward.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Mayor Poston closed the public hearing.

Motion to approve the request was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Mr. Callahan read the following:

M-CPA-02-14 RESOLUTION & SECOND PUBLIC HEARING

Request of the City of Bradenton for a Comprehensive Plan text amendment as it relates to transfer of density in the Future Land Use Element and the Coastal Management Element.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS PROPOSED COMPREHENSIVE PLAN AMENDMENTS TO THE CITY'S COMPREHENSIVE PLAN; MAKING CERTAIN FINDINGS OF FACT; AUTHORIZING TRANSMITTAL OF

COMPREHENSIVE PLAN AMENDMENT APPLICATION M-CPA-02-14, CITY OF BRADENTON, AMENDING TEXT IN THE FUTURE LAND USE ELEMENT AND THE COASTAL MANAGEMENT CONSERVATION ELEMENT, PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Poston requested anyone wishing to speak in favor of the request to please come forward.

Tom McCollum, Director of Planning with Zoller, Najjar and Shroyer gave a brief detail of transferring a portion of rights to uplands properties. He distributed a document with revised language to correct the policy referring to land adjacent to the shoreline. He stated that this document would clear up any confusion as to what the Planning Staff recommended.

(Tape 1, side 2)

Discussion: Density regarding upland property. Amendment two regarding percentage.

Further Discussion: Centered on the more specific language of the January 17th revision pertaining to density credits within the first priority evacuation zones versus the more generic language presented by Mr. McCollum.

Ed Vogler, Land Use Attorney gave a brief explanation of the amendment stating that it was a requirement change to a policy therefore it had to be consistent to policy. He pointed out that this was a conservation effort to save the wetlands.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward.

Trudy Williams, Old Manatee Neighborhood resident asked if this resolution could be addressed at a future date to allow closer study of the amendments.

Jane Von Hahmann, Manatee County Commissioner stated she had concerns with the original language in the ordinance. She stated that she was now comfortable with the few minor changes and commented that the City's amendment was stricter than the County's code presently. She stated the revised language given to her by Mr. McCollum addressed the main issues the County had with concerns regarding "Upland sites not within first priority hurricane evacuation zones."

Discussion: January 2nd draft, revised language in January 17th draft, hurricane evacuation. To continue this issue until Larry Frey could address the Council. To approve the amendments recommended by the Planning Staff but continue amendment two.

(Tape 2, side 1)

Marilyn Stasica, Palma Sola resident, spoke in opposition asking the Council to follow the recommendation of the Planning Staff and except the revision of January 17, 2003. **Arlene Flizik**, spoke in opposition and asked questions regarding the Intensity percentages. **Joan Perry** and **Doris Schaumburg**, spoke in opposition and asked to table this issue to a later date which would give more time to study amendment two.

Councilwoman Barnebey asked if Larry Frey had reviewed the document which Mr. McCollum had distributed at this meeting.

Councilwoman Barnebey stated that Mr. McCollum acknowledged (in the audience) by shaking his head "no" that Mr. Frey had not reviewed this document.

Motion to continue this issue so that the Planning Staff could review it more was made by Councilwoman Barnebey and died for a lack of second.

Discussion: To act on the three amendments and to transfer amendment two to the next cycle.

Councilman Smith stated that the document distributed at this meeting had been before the Planning Commission and that Mr. Frey was aware of the revisions.

Councilman Gallo asked that there be more clarity on amendment two and to continue this amendment until such time that it could be clarified.

Ed Vogler clarified that these were policy changes that if this were tabled today it would be in effect a denial.

Mayor Poston closed the public hearing.

Councilman Smith voiced his concern that whenever an issue got tough then the Council deferred an issue. He asked to not continue this issue based on concerns of twelve words.

Motion to approve amendment one and amendment three, to deny amendment four which was recommendation by the Planning Staff and to withdraw amendment two for further consideration was made by Councilman Golden, seconded by Councilman Gallo and carried 4-1 with Councilman Smith in opposition.

Mr. Lisch read the following:

SECOND READING OF AN ORDINANCE PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2685 WHICH ORDINANCE GRANTED A NON-EXCLUSIVE FRANCHISE AGREEMENT TO PEOPLES GAS SYSTEM BY AMENDING THE EFFECTIVE DATE OF SAID ORDINANCE.

Mayor Poston requested anyone wishing to speak in favor of the request to please come forward. No one came forward.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Mayor Poston closed the public hearing.

Motion to approve the ordinance was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

No new business.

DEPARTMENT HEADS:

Carl Callahan

Mr. Callahan stated that Ed Hargaden, General Services Director had recommended to sell an old paint booth located in the garage. He stated that the paint booth had not been utilized for several years. He requested approval to sell the paint booth to **Container Systems & Equipment Co., Inc.** for \$3,500.

No discussion followed.

Motion to approve the request was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Mark Souders

Nothing to report.

Michael Radzilowski

Chief Radzilowski requested to purchase two items from the Forfeiture Fund.

1. To purchase two noise meters in the amount of \$6,907 which included training and certification.
2. For an additional computer at a cost of \$1,850 to assist in the accreditation process.

No discussion followed.

Motion to approve the request was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Chief Radzilowski stated that the police department had lost three men to military service.

Discussion: A policy to help support the families of City employees who serve in the armed forces to protect our Country.

Carl Callahan stated he would review this policy and report back to Council.

John Cumming

Mr. Cumming requested to replace two emergency items located at the Water Treatment Plant:

1. An emergency generator.
2. A sulfuric acid tank was beginning to leak

He requested to replace both items at an estimated cost of \$50,000.

No discussion followed.

Motion to approve the request was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 5-0 for approval.

Ruth Seewer

Ms. Seewer stated that Dr. Nicholas the Impact Fee Consultant would be attending the February 26, 2003 meeting. She stated that there were some concerns from the Planning Commission regarding Impact Fees which had been addressed and would be forwarded to the Council before the February 26, 2003 meeting.

Ms. Seewer reported on the Monk Building with progress continuing each day.

Bill Lisch

Mr. Lisch requested approval to give (at no cost) a portion of approximately a two thousand square foot strip of easement along Natalie Way to Manatee County to run utility lines.

Mr. Cumming commented that Manatee County had reciprocated many times with giving portions of County property to the City for easements.

Motion to approve the request was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Mr. Lisch requested approval to renew a ten year Interlocal Agreement with Manatee County for water supply and waste water service to west Manatee Avenue including the Perico area. Mr. Lisch stated that he and John Cumming recommended approval to extend the agreement.

No discussion followed.

Motion to approve the request recommended by Bill Lisch and John Cumming was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 8:30 p.m.

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