

**CITY COUNCIL MEETING
December 17, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on December 17, 2003 at 6:00 p.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 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, Larry Frey, Planning Services Director and Staci Cross, Information Technology Director

PRESS: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Vice-Mayor Weaver.
Ecumenical prayer was led by Reverend Jim Meena, Chaplain Blake Medical Center.
Flag salute was led by Councilman Gallo.
Mayor Poston was excused from the meeting.

PRESENTATION:

OATH OF OFFICE FOR BRADENTON POLICE CADETS

Vice-Mayor Weaver gave the "Oath of Office" to the following cadets: **Victor Wortham, Jason Varrato, James Kerekanich, Kenneth Kerekanich and Christopher Cleaver.**

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

PUBLIC COMMENTS:

Jody Huebert-Hamm, Executive Director of the Manatee Players announced that the Players reached their goal of 1.1 million dollars, a requirement for the lease agreement renewal with the City of Bradenton.

Carol Stronstorff, 2615 60th Street West and Vice-President of a Patients Rights Organization submitted a letter which she referred to. The letter voiced her concern that Blake Hospital and certain businesses and doctors under occupational licensing authority of the City had not been licensed properly with the City of Bradenton.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Nothing to report.

Vice-Mayor Michele Weaver, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Congratulated Firefighter's Jeff Bruski and Jeff Schmucker for their recent promotions.

Commended the fire department's quick response time on a fire at an abandoned house located at 211 15th Street West.

Councilman James Golden, Ward V: Reported that he had an on-going dialog with Scott Tibbetts regarding the Monk Building.

Thanked everyone who attended the Quality Assurance Annual Dinner Meeting on December 15, 2003.

Announced the Quality Assurance Meeting would meet on January 12, 2004 at 5:30 p.m. at Fire Station One.

Announced the Public Mayor Program would meet on January 5, 2003 at 7:00 p.m. at the Ward Temple AME Church.

Requested approval to direct the Public Works Department to: 1. Place "No Trespassing Signs", 2. Eliminate the graffiti and 3. Board up the vacant building located at 320 15th Street East.

Discussion: Property tied up in probate. Proper notice was needed should the building be demolished.

MOTION TO APPROVE the request was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

Attended a meeting with representatives from the following organizations and businesses: Federal Government, Economical Development Administration-ECA, Tampa Bay Regional Planning Council, Central Community Revitalization Area-CCRA, Front Porch Council, Bradenton Housing Authority, Keep Manatee Beautiful, Tropicana Products, Inc. and the Bradenton Public Works Department regarding the creation of a partnership to provide a revolving loan fund in the CCRA area and to obtain infrastructure funding at the federal level through the ECA.

Stephen Thompson requested approval to endorse and direct the CCRA to be the coordinator to pursue infrastructure funding and partnership funding for revolving loan funds in the CCRA area.

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:
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Carl Callahan

FIRST READING PROPOSED ORDINANCE # 2740

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 4, FINANCES AND FUND MANAGEMENT, ESTABLISHMENT AND OPERATION OF FUND; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.

FIRST READING PROPOSED ORDINANCE # 2741

AN ORDINANCE AMENDING SECTION 70-160 OF THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON, FLORIDA, RELATING TO IMPACT FEES BY REMOVING EXEMPTIONS FOR EXPANSION OF BUILDINGS OR STRUCTURES AND SUBSTITUTING PROVISIONS THAT PROVIDE WATER AND SEWER IMPACT FEES SHALL BE APPLIED ONLY TO NEW CONSTRUCTION OR EXPANSION OR AN INCREASE IN FIXTURE UNIT COUNTS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.

LUR-AA-03-06 WARD 3 NEIGHBORHOOD 6.02 JB

Request William E. Lowe, agent for HBKA Enterprises, Inc., owner, for a Zoning Atlas Amendment to change the designation from C-3 to C-1 for the properties located at 1409 17th Avenue West, 1417 17th Avenue West, and 1702 14th Street West.

(Zoned C-3)

FIRST READING PROPOSED ORDINANCE # 2742

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM CITY COMMERCIAL C-3 TO C-1 FOR THE PROPERTY LOCATED AT 1409 17TH AVENUE WEST, 1417 17TH AVENUE WEST AND 1702 14TH STREET WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.

CPA-M-03-09 WARD 2 NEIGHBORHOOD 12.02 JB

Request of H. Hamilton Rice, Jr., Esq., agent for Christ Episcopal Church of Bradenton, Inc., owner for approval of a small scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County R/O/R to City Commercial or other appropriate designation for the property located at 401 42nd Street West; 411 42nd Street West; 415 42nd Street West; 420 41st Street West and 422 41st Street West. (Zoned RSF 4-1/2)

FIRST READING PROPOSED ORDINANCE # 2743

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 401 42ND STREET WEST, 411 42ND STREET WEST, 415 STREET WEST, 420 41ST STREET WEST, AND 422 41ST STREET WEST MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-03-09) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RETAIL, OFFICE AND RESIDENTIAL (ROR) TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

LUR-AA-03-10 WARD 2 NEIGHBORHOOD 12.02 JB

Request of H. Hamilton Rice, Jr., agent for Christ Episcopal Church of Bradenton, Inc., owner for approval of a Zoning Atlas Amendment to change the designation from County RSF 4 1/2 to City C-2 or other appropriate zone for the property located at 401 42nd Street West; 411 42nd Street West; 415 42nd Street West; 420 41st Street West and 422 41st Street West. (Zoned RSF 4-1/2)

FIRST READING PROPOSED ORDINANCE # 2744

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO SINGLE FAMILY 4.5 (RSF 4.5) AND GENERAL COMMERCIAL (GC) TO CITY COMMERCIAL-2 (C-2) FOR THE PROPERTY LOCATED AT 401 42ND STREET WEST, 411 42ND STREET WEST, 415 42ND STREET WEST, 420 41ST STREET WEST, AND 422 41ST STREET WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

CPA-M-03-10 WARD 2 NEIGHBORHOOD 12.02 JB

Request of Steve Kirk, agent for 950, Inc., owner for approval of a small scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County R/O/R to City Commercial, or other appropriate designation for the property located at 5016 Manatee Avenue, West. (Zoned GC)

FIRST READING PROPOSED ORDINANCE #2745

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5016 MANATEE 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 (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-03-10) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RETAIL, OFFICE AND RESIDENTIAL (ROR) TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Vice-Mayor Weaver carried 5-0 for approval.

LUR-AA-03-11 WARD 2 NEIGHBORHOOD 12.02 JB

Request of Steve Kirk, agent for 950, Inc., owner for approval of a Zoning Atlas Amendment to change the designation from County GC to City C-2 or other appropriate designation for the property located at 5016 Manatee Avenue, West. (Zoned GC)

FIRST READING PROPOSED ORDINANCE # 2746

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM COUNTY GENERAL COMMERCIAL (GC) TO CITY COMMERCIAL (C-2) FOR THE PROPERTY LOCATED AT 5016 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for January 14, 2004 was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

CPA-M-03-04 WARD 4 NEIGHBORHOOD 20.04 JB

Request of Robert Schmitt, AICP, agent for Braden River Animal Hospital, owner, for a small scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County Res-6 to City Commercial for the property located at 5012 State Road 64 East. (Zoned A-1 and Res 6)

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2728

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5012 STATE ROAD EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-03-04) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERALBILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing opened. Those in favor.

Robert Schmitt, Land Planning and Associates requested approval of the ordinance.

Those in opposition. Hearing none. Public hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the request.

No discussion followed.

MOTION TO APPROVE ordinance #2728 as recommended was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

LUR -AA-03-07 WARD 4 NEIGHBORHOOD 20.04 JB

Request of Robert Schmitt, AICP, agent for Braden River Animal Hospital, owner, for a Zoning Atlas Amendment to change the designation from County A-1 to City Commercial -3 for the property located at 5012 State Road 64 East.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2729

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MANATEE COUNTY A-1 TO CITY COMMERCIAL-3 FOR THE PROPERTY LOCATED AT 5012 STATE ROAD 64 EAST AND LEGALLY DESCRIBED.

Public Hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the request.

MOTION TO APPROVE ordinance #2729 as recommended was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

CPA-M-03-05 WARD 4 NEIGHBORHOOD 20.03 JB

Request of Caleb Grimes, agent for McClure Properties Limited, owner, for a large scale Comprehensive Plan Map Amendment to change the Future Land Use Map Designation from County Residential 6 and Agricultural/Rural to City Residential 6 and Conservation for the property located at 101 48th Street Court N.E.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2730

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 101 48TH STREET COURT NORTHEAST, 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 **CPA-M-03-05**) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL - 6 AND AGRICULTURAL/RURAL TO CITY RESIDENTIAL 6 AND CONSERVATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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 CPA-M-03-05, MC CLURE PROPERTIES LIMITED, amending the Future Land Use Element (Future Land Use Map); providing for applicability and effect; providing for severability; and providing for an effective date.

Larry Frey requested that the Council vote only on the resolution with the ordinance coming back at a future date for adoption.

Public Hearing opened. Those in favor.

Caleb Grimes requested approval of the amendment change.

Those in opposition.

Joan Perry asked "How many acres on the entire property was below the two foot contour?"

Caleb Grimes referred to a digitized map showing about 27.69 acres of approximately 383.06 acres were below the two foot contour.

Public hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the request with **one stipulation** to include the digitized map.

MOTION TO APPROVE the resolution as recommended with one stipulation with the transmission to the Department of Community Affairs was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.

LUR-AA-03-08 WARD 4 NEIGHBORHOOD 20.03 JB

Request of Caleb Grimes, agent for McClure Properties Limited, owner, for a Zoning Atlas Amendment to change the designation from County PDMU, PDR, and A-1 to City PDP for the property located at 101 48th Street Court N.E.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2731

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OR ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MANATEE COUNTY PDMU-MIXED USE (PRIMARY) TO CITY PLANNED DEVELOPMENT PROJECT (PDP) FOR THE PROPERTY LOCATED AT 101 48TH STREET COURT NORTHEAST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the request.

MOTION TO APPROVE ordinance #2731 as recommended was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

CPA M-03-06 WARD 4 NEIGHBORHOOD 20.03 JB

Request of Stephen Thompson, agent for Aurora Foundation, owner, for a large scale Comprehensive Plan Amendment to change the Future Land Use Designation from County Residential 6 to City Residential 6 for the property located at 415 48th Street Court East.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2732

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 415 48TH STREET COURT EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT **CPA-M-03-06**) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FRO AN EFFECTIVE DATE.

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 the Comprehensive Plan Amendment Application CPA-M-03-06, AURORA FOUNDATION, amending the future Land Use Element (Future Land Use Map); providing for applicability and effect; providing for severability; and providing for an effective date.

Bill Lisch requested that the Council vote only on the resolution with the ordinance coming back at a future date for adoption.

Public hearing opened. Those in favor.

Stephen Thompson, representing the Aurora Foundation requested approval of the resolution.

Those in opposition. Hearing none. Public hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the resolution amending the designation from Manatee County Residential 6 to City Residential 6.

MOTION TO APPROVE the resolution as recommended with the transmission to the Department of Community Affairs was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

LUR-AA-03-09 WARD 4 NEIGHBORHOOD 20.03 JB

Request of Stephen Thompson, agent for Aurora Foundation, owner, for a Zoning Atlas Amendment to change the designation from County A-1 to City PDP for the property located at 415 48th Street Court East.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2733

AN ORDINANCE AMENDING ORDINANCE NO 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM MANATEE COUNTY A-1 (AGRICULTURE SUBURBAN) TO CITY PDP (PLANNED DEVELOPMENT PROJECT) FOR THE PROPERTY LOCATED AT 415 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

Department of Development Services Staff/Planning Commission recommended approval amending the designation from Manatee County A-1 (Agriculture Suburban) to City PDP (Planned Development Project).

MOTION TO APPROVE ordinance #2733 as recommended was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2734

AN ORDINANCE OF THE CITY OF BRADENTON, MANATEE COUNTY, FLORIDA, AMENDING CHAPTER 62, ARTICLE IV, PARKS AND RECREATION AREAS OF THE CITY OF BRADENTON BY ADDING THERETO A NEW SECTION 62-88 PROHIBITING SKATEBOARDING WITHIN THAT PARK KNOWN AS THE ANTHONY B. ROSSI WATERFRONT PARK; PROVIDING AN EFFECTIVE DATE.

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

Questions were asked by Bill Lisch and answers given by John Cumming regarding the damage done to Rossi Park from skateboarders.

John Cumming recommended adoption of the ordinance.

MOTION TO APPROVE ordinance #2734 as recommended was made by Councilwoman Barnebey/Councilman Golden carried 5-0 for approval.

CPA-T-03-07 LF

Request of the City of Bradenton for a text amendment to the City of Bradenton Comprehensive Plan to address transfer of density and clarification of the Conservation District.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2735

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 2436, AS AMENDED BY ORDINANCE 2619; PERTAINING TO THE FUTURE LAND USE ELEMENT AND THE COASTAL MANAGEMENT CONSERVATION ELEMENT REGARDING TRANSFER OF DENSITY AND

CLARIFICATION OF THE CONSERVATION DISTRICT TO THE FUTURE LAND USE ELEMENT, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT (CITY OF BRADENTON, **CPA-T-03-07**); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION of the City Council of the City of Bradenton, Florida, transmitting to the Department of Community Affairs proposed Comprehensive Plan Text Amendments to the City's Comprehensive Plan; making certain findings of fact; authorizing transmittal of Comprehensive Plan Text Amendment application **CPA-T-03-07**, City of Bradenton, amending the Future Land Use Element (Coastal Management/Conservation Element); providing for applicability and effect; providing for severability; and providing for an effective date.

Public hearing opened. Those in favor.

Tom McCullum, Director of Planning for Zollar, Najjar, Shroyer submitted a written analysis with comments clarifying the amendment which had no negative effects and was consistent with the City's Comprehensive Plan regarding the goals and objectives for the revision. He recommended adoption of the resolution.

Whiting Preston, representing a Bradenton citizen voiced his approval of the amendment stating it was an appropriate planning tool which was consistent and met with the City and State objectives.

Those in opposition.

Joan Dunn, 844 Audubon Drive stated that the first reading was not valid and did not meet the state requirements. (She submitted her remarks.) **Glenn Compton** representing Manasota 88 stating that, in the Comprehensive Plan, wetlands were currently undevelopable and should not be given credit to increase density in a high hazard area that placed additional residents at risk. (He submitted a report.) **Arlene Flizik**, representing Manatee County Audubon Society voiced her opposition stating that Coastal Zone regulations should preserve and protect the environmentally sensitive low lands whenever possible.

The following people also voiced their opposition in agreement with the previous opposition speakers. **Bill Webster**, 7819 San Juan Avenue (also submitted a request to deny from the Concerned Citizens of Manatee County), **Marilyn Stasica**, 1131 Palma Sola Boulevard (also submitted a letter), **Mary O'Brien**, 305 25th Street West, **Jane von Hahmann**, Manatee County Commission (not representing the Commission) requested language to be added to the amendment. **Arlene Thompson**, 963 Waterside (also submitted a petition), **Mary Sheppard**, 4220 32nd Court East, **Ken Crayton**, 11316 Perico Isle Circle, and **Chuck Palmer**, 8304 13th Avenue Drive NW.

Public hearing closed.

Larry Frey gave a brief presentation clarifying existing discrepancy in the Comprehensive Plan and explained the procedure of this request was only for recommendation to the Department of Community Affairs for their comments and suggestions. He gave a brief slide show explaining the reasons for the proposed amendment.

Lengthy discussion: Mitigation and transfer of density.

Councilwoman Barnebey voiced her concern for the first hurricane evacuation zone with the additional density to that zone. She stated she would support the motion if the following language be added under "CONSERVATION" and where it stated "begins areas in the Coastal Zone" to add "except in areas within the first hurricane evacuation zone".

Discussion: To leave the amended as proposed.

MOTION TO APPROVE the resolution as proposed for an amendment change with transmission to the Department of Community Affairs was made by Councilman Golden/Councilman Smith carried 4-1 for approval. Councilwoman Barnebey in opposition.

CPA-T-03-08 JB

Request of the City of Bradenton for an amendment to the City of Bradenton Comprehensive Plan to include text changes.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2736

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 2436, AS AMENDED BY ORDINANCE 2619; REGARDING CLARIFICATION OF EXISTING LANGUAGE TO THE FUTURE LAND USE ELEMENT, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT (CITY OF BRADENTON, **CPA-T-03-08**); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A RESOLUTION of the City Council of the City of Bradenton, Florida, transmitting to the Department of Community Affairs proposed Comprehensive Plan Text Amendments to the City's Comprehensive Plan; making certain findings of fact; authorizing transmittal of Comprehensive Plan Text Amendment Application **CPA-T-03-08**, City of Bradenton, amending the Future Land Use Element; providing for applicability and effect; providing for severability; and providing for an effective date.

Public hearing opened. Those in favor.

Joan Perry, representing "Save Anna Maria Island" voiced her disapproval of the adoption procedure.

Those in opposition. Hearing none. Public Hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the resolution for text amendments.

MOTION TO APPROVE the resolution as proposed with transmission to the Department of Community Affairs was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

LUR-T-03-04 LF

Request of the City of Bradenton for amendments to the Land Use and Development Regulations to include major and minor amendments.

SECOND READING & PUBLIC HEARING PROPOSED ORDINANCE # 2737

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 TRANSFER OF DENSITY AND CLARIFICATION OF THE CONSERVATION DISTRICT TEXT; PROVIDING FOR REPEAL

OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

Department of Development Services Staff/Planning Commission recommended approval to amend the Land Use Regulations to transfer density and to amend some conservation language with the recommendation for the adoption date to be determined at a future time after the previous Comprehensive Plan was adopted.

MOTION TO APPROVE ordinance # 2737 with the adoption to be determined at a later date was made by Councilman Golden/Councilman Smith carried 5-0 for approval.

VAC-R-03-05 WARD 4 NEIGHBORHOOD 1.01 RS PUBLIC HEARING
Request of the City of Bradenton in partnership with the First Baptist Church of Bradenton for a right-of-way vacation for that portion of 4th Avenue Drive West located between 13th Street West and 14th Street West. (Zoned C-1A/UCB)

A RESOLUTION VACATING that portion of right of way legally described as follows:
That portion of 4th Avenue Drive West (Vermont Place) a 30 foot right of way from 13th Street to 14th Street, as recorded in Vermont Park subdivision, Plat Book1, Page 244 of the public records of Manatee County, Florida.

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

Ruth Seewer, Development Review Manager stated the Department of Development Services-DDS and Planning Commission recommended approval to vacate the land swap parcel.

Bill Lisch asked that this approval of the vacation be contingent upon the land swap actually taking place.

John Cumming requested a **stipulation** to include “*subject to reserving all utility easements back to the City.*”

MOTION TO APPROVE the vacation resolution with the land swap actually taking place with one stipulation was made by Councilman Smith/Councilwoman Barnebey 4-0 for approval. Councilman Golden absent from voting.

SE-03-17 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING
Request of Paul E. Fields, Jr., owner for Special Exception approval to operate an automotive sales establishment for the property located at 1116 1st Street West. (Zoned C-2)

Public hearing opened. Those in favor.

Paul E. Fields, Jr. owner requested a Special Exception to operate an automotive sales lot established by his father.

Gil Rivera, 2807 Florida Boulevard requested approval for the Special Exception stating that Mr. Fields wished to improve and expand the property that his father established.

Those in opposition. Hearing none. Public Hearing closed.

Department of Development Services Staff recommended denial of the request for the following:

- 1) There was no loading area provided on the site.
- 2) No refuse and service areas had been provided.
- 3) Landscaping was inadequate.
- 4) Signage details were not adequate to assess conformity with the code.
- 5) The land area did not appear to adequately support the vehicular sales use proposed.
- 6) The application was inconsistent with the Future Land Use Element, Objectives#1 and #10 of the Comprehensive Plan.

Planning Commission recommended denial of the request due to the size of the property would not accommodate the use.

Discussion: Concerns whether a car lot could survive on this property.

Gil Rivera requested a continuance in order to obtain more detailed information and to address the issue concerns on the property.

MOTION TO CONTINUE the request to further study this special exception request was made by Councilwoman Barnebey/Councilman Gallo carried 5-0 for approval.

SE-03-19 WARD 1 NEIGHBORHOOD 4.07 RS PUBLIC HEARING
Request of Jerry N. Zoller, AIA, PA, agent for Devon Self-Storage, owner for Special Exception approval to allow outdoor storage for boats and RVs on the property located at 6915 Manatee Avenue West. (Zoned PDP)

Public hearing opened. Those in favor.

Jerry Zoller gave a brief history on the property and requested approval of the special exception.

Discussion: Inappropriate use of the parking facilities and improper permitting.

Those in opposition. Hearing none. Public Hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the request with the following **four stipulations**.

1. Vehicles, boats, RV's, or trailers stored on the premises ~~would not exceed twenty feet in length in order to maintain the~~ would not encroach into the twenty-four foot drive aisle width.
2. Stored vehicles, boats, RV's or trailers were limited to the thirty-four parking spaces directly north of the controlled storage building as indicated on Exhibit "D".
3. The six foot high landscape buffer along Manatee Avenue West shall be maintained at all times.
4. ~~Prior to the City Council meeting the applicant was required to address protection measures for preventing pollutant discharge from entering the ground.~~ The property owner would inspect the area periodically and employ good housekeeping measures in order to deter pollutant discharge.

Councilman Gallo voiced his concern that a six foot high fence would not be adequate for buffering large RV's and other tall vehicles. He stated that he would not support the motion.

Councilwoman Barnebey voiced her concern regarding improper permitting and allowing inappropriate use of the parking facilities.

MOTION TO APPROVE the request as recommended was made by Vice-Mayor Weaver/Councilman Smith carried 3-2 for approval. Councilman Gallo/Councilwoman Barnebey in opposition.

SE-03-20 WARD 4 NEIGHBORHOOD 7.02A RS PUBLIC HEARING
Request of Joseph and Janie Bennett, owners, for Special Exception approval to replace the existing dock on the property located at 1910 Riverside Drive East. (Zoned R1-B)

Public hearing opened. Those in favor.

Joseph Bennett requested approval to replace the existing dock.

Those in opposition. Hearing none. Public Hearing closed.

Department of Development Services Staff/Planning Commission recommended approval of the request with the **one stipulation**.

- 1) That the lighting shall not cause glare upon surrounding properties nor toward the open water.

Ruth Seewer stated that per City code if the applicant did not have riparian rights with a public right-of-way in between the property and the road the applicant would need a special exception and would have to come before City Council.

MOTION TO APPROVE the recommendation with the one stipulation was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

P-PDP-03-17 WARD 4 NEIGHBORHOOD 20.04 RS PUBLIC HEARING
Request of Jerry Zoller, AIA, PA, agent for Bradenton 64 Inc. for preliminary approval a Commercial Planned Development Project to be located at 5202 S.R. 64 East. (Zoned PDP)

Public hearing opened. Those in favor.

Jerry Zoller gave a brief report on the proposed commercial development which would be occupied by both office and retail businesses.

Those in opposition. Hearing none. Public Hearing closed.

Department of Development Services Staff originally recommended denial of the request pending additional information as followed:

1. Provide the required rendering of the building.
2. Address traffic concurrency based on the engineer's projection of 1557 trips per day. This would require the engineer to demonstrate that degradation would not occur due to the increase in traffic volumes created by the project.
3. Resubmit correct acreage calculations.
4. Provide calculations for interior landscaping areas.

5. Provide justification for additional parking exceeding the maximum allowed by code. If approved by the Department of Development Services-DDS Director, then additional landscaping must be indicated.
6. Amend plan to delete State Road 64 entrance.
7. Provide a sidewalk along State Road 64 from 51st Street East to 53rd Street East.

Department of Development Services changed their recommendation to recommended approval providing that the Planning Commission recommendation would be met.

Planning Commission recommended approval with the following **five stipulations**:

1. This approval was subject to a concurrency report addressing traffic that was favorable to staff.
2. \$14,000 would be donated to the Woodbury Tree Fund, and an additional ten trees would be planted along the retention pond.
3. Parking would have a maximum of 196 spaces, not including handicapped spaces.
4. Eliminate the entrance off State Road 64.
5. Install sidewalks along State Road 64 from 51st Street to 53rd Street.

MOTION TO APPROVE the request as recommended with five stipulations was made by Councilman Smith/Councilman Golden carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

2002 – 2003 CAPER

PUBLIC HEARING

Mr. Callahan read the following public notice:

NOTICE IS HEREBY GIVEN that the City of Bradenton has prepared its Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant Program for fiscal year commencing October 1, 2002 and ending September 30, 2003.

A public hearing would be held on Wednesday, December 17, 2003, at 6:00 P.M. in City Council Chamber at City Hall, 101 Old Main Street, to consider oral and written comments on the Community Development Block Grant Program Consolidated Annual Performance Evaluation Report (CAPER)

The CAPER would be available at the City Clerk’s Office at City Center, 101 Old Main Street, Community Development Office, 912 7th Avenue East-2nd floor, and Manatee County Library, 1301 Barcarrota Boulevard, Bradenton, Florida, for public inspection during regular business hour commencing November 21, 2003 and would be available until December 26, 2003, at which time the report would be filed with U.S. Department of Housing and Urban Development- HUD. Any public comments would become part of the report and mailed to HUD.

Susie Copeland, Manager
Published: 11/21/03

Public hearing opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public Hearing closed.

MOTION TO APPROVE the 2002-2003 CAPER was made by Councilman Golden/Vice-Mayor Weaver carried 5-0 for approval.

A Resolution appointing **Mildred Smith** to the **Housing Authority Board** for the City of Bradenton, Florida and defining her term.

A Resolution reappointing **Berniece Scott** and **Dr. Lois Gerber** to the **Housing Authority Board** for the City of Bradenton, Florida and defining their term.

A Resolution for appointment to the **Grievance Board** for the City of Bradenton, Florida and defining their term.

A Resolution appointing **Police Sergeant Warren Merriman** to the **Grants and Assistance Community Relations Board** for the City of Bradenton, Florida and defining his term.

A Resolution reappointing **John Coury** to the **Personnel Merit Board** for the City of Bradenton, Florida and defining his term.

A Resolution reappointing **Lucille Hymes** to the **Police Pension Board** for the City of Bradenton, Florida and defining her term.

A Resolution reappointing **James Armstrong** to the **Construction Board of Rules and Appeals** for the City of Bradenton, Florida and defining his term.

A Resolution reappointing **Peter G. "John Otis" Levesque** to the **Code Enforcement Board** for the city of Bradenton, Florida and defining his term.

A Resolution reappointing **Bob Bartz** and **Linda Walker** to the **Enterprise Zone Board** for the City of Bradenton, Florida and defining their term.

A Resolution appointing **Jeffrey J. Lewis** to the **Enterprise Zone Board** for the City of Bradenton, Florida and defining his term.

A Resolution reappointing **Bill Blalock** and **Debra Cooper** to the **Downtown Development Authority** for the City of Bradenton, Florida and defining their term.

MOTION TO APPROVE the previous eleven (11) board appointed or reappointed resolutions was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.

A RESOLUTION AUTHORIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON SPECIALLY BENEFITED PROPERTY; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE UNIFORM AD VALOREM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS PROVIDED FOR BY CHAPTER 197, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Public hearing opened. Those who wish to comment. Hearing none. Public Hearing closed.

MOTION TO APPROVE the resolution was made by Councilman Gallo/Councilman Golden carried 5-0 for approval.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, SUPPORTING THE ONE-HALF CENT SALES TAX AS PROPOSED FOR THE MARCH, 2004, BALLOT; PROVIDING AN EFFECTIVE DATE.

Councilman Smith stated that he would not be supporting this motion as the election in March, 2004 was a Democratic Primary that this issue should be on a full election ballot later on in the year so all the citizen's could vote on this issue.

MOTION TO APPROVE the resolution was made by Councilman Gallo/Councilwoman Barnebey carried 4-1 for approval. Councilman Smith in opposition.

REQUEST of Johnny and Daphney Barnes to allow a median cut on 9th Avenue West in front of Glory Way Plaza.

John Cumming stated that Mr. Daphney was requesting that the City pay for the median to be cut in front of the plaza. Mr. Cumming stated that the City did not provide this service for developers. He recommended that the developer pay for median construction with certain conditions.

Councilman Golden requested a **stipulation** that the curb cut be the same design as on First Street in front of the RaceTrac and to not allow a left turn lane out of Glory Way Plaza.

MOTION TO APPROVE the request to be allowed to reconstruct the median at the expense of the developer with the one stipulation was made by Councilman Golden/Councilman Smith carried 4-0 for approval. (Councilman Gallo was absent from voting.)

REQUEST of Ingrid McClellan of Keep Manatee Beautiful for approval to install three gateway signs for Bradenton Front Porch Florida.

Ingrid McClellan requested to install signs at the following locations:

1. 27th Street East and 13th Avenue East on the northwest corner.
2. 1st Street and 13th Avenue East at the northeast corner.
3. ~~9th Avenue West and 5th Street West southeast corner~~ changed to:
The first median on 9th Avenue West east of 9th Street West.

Discussion: Placement of the third sign.

MOTION TO APPROVE the request as submitted was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.

Request by the Hernando De Soto Historical Society to reserve dates certain in April, 2004. The public event request would be forth coming at the January 14, 2004 Council meeting.

NO ACTION WAS NEEDED.

Larry Frey

COMMUNITY RATING SYSTEM REPORT AND FAIR HOUSING REPORT

Mr. Frey stated that a consultant had been hired to accommodate the finalization of the Fair Housing manual.

Reported that the City had flood assistance which was available to the public.

Reported that the annual recertification had been approved for the Community Rating System-CRS Program as a Class Seven.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING VARIOUS FEES AND CHARGES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING APPLICATIONS FOR DEVELOPMENT PERMITS AND DEVELOPMENT ORDERS PURSUANT TO THE CITY'S LAND USE AND DEVELOPMENT REGULATIONS.

Councilman Smith voiced his concern for the numerous fees and costs placed on the developers.

MOTION TO APPROVE the resolution as submitted was made by Councilman Gallo/Councilman Golden carried 4-1 for approval Councilman Smith in opposition.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING VARIOUS BUILDING PERMIT FEES AND CHARGES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING COMPLIANCE WITH STATE AND LOCAL BUILDING STANDARDS AND REQUIREMENTS PURSUANT TO THE FLORIDA BUILDING CODE AND ALL OTHER APPLICABLE BUILDING AND DEVELOPMENT CODES.

Councilman Smith voiced his concern regarding the accuracy of the requirements.

Motion to approve the resolution as recommended was made by Councilman Gallo/Councilman Golden carried 4-1 for approval Councilman Smith in opposition.

ADMINISTRATIVE DECISION ON BUILDING PERMIT AND INSPECTION REQUIREMENTS.

Mr. Frey gave a brief report on the increasing building requirement costs.

NO ACTION WAS NEEDED.

DEPARTMENT HEADS:

Staci Cross: Nothing to report.

Mark Souders: Announced that the Fire and Police Departments would be escorting four buses carrying U.S. soldiers on leave from Iraq, Monday, December 22, 2003. He would be advised at a later date anyone interested in partaking with them as to the location and time to assemble.

Carl Callahan: Requested authorization for Mayor Poston to sign an extension audit agreement with CPA Associates.

No discussion followed.

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

Michael Radzilowski: Requested the elimination of the Rank of Corporal.

A memorandum was distributed outlining the requested position changes that would be necessitated by the elimination of the corporal position.

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Gallo/Vice-Mayor Weaver and carried 5-0 for approval.

John Cumming: Reported that he and Councilman Golden were working on obtaining cross-walks at 13th Avenue and 9th Avenue at First Street.

Reported that a notice would be going out to the citizen's who have garbage collection picked up by the small garbage scooters. He stated that these scooters were no longer being produced which may cause restrictions to the citizen's with health problems. A doctor's excuse would be needed to continue collecting in the same manner.

Reported that a notice would be going out to Village Green citizen's that the 300 cans which were now buried in the ground, would no longer be served and starting with the January, 2004 collection the service would now be at the curb.

Larry Frey: Announced that Nancy Stroud had been hired as a consultant on Impact Fees and would be providing a report in January, 2004 to the Council. Should the Council want to continue her services they could then make a decision as to keeping her on a retainer.

COUNCIL WAS VERBALLY IN AGREEMENT

Bill Lisch

Nothing to report.

Mr. Callahan announced that starting January, 2004 there would be a 2.3% annual increase for water and a \$.75 increase for storm water.

ADJOURNMENT:

There being no further business, Vice-Mayor Weaver adjourned the meeting at 11:30 P.M.

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