

**CITY COUNCIL MEETING
November 16, 2005**

**APPROVED BY
December 14, 2005
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 November 16, 2005 at 8:30 a. m.

Present: Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilwoman Ward III Michele Weaver; Vice Mayor and 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; William Lisch, City Attorney; Chuck Edwards, Deputy Fire Chief; Michael Radzilowski, Police Chief; Matt McLachlan, Assistant Director Development Services; 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 Chaplain Karl Holsberg, Manatee County Jail.
Flag salute was led by Vice Mayor Smith.

PRESENTATIONS

Bradenton Police Department Heroic Awards

Mayor Posted presented certificates of courage to two young girls, **Seslie Ann Moon** and **Hannah Jean Hill** for their heroic actions and courage in calling 911 from the backseat of a car they were in, which had been stolen.

Public Works Department Recognition

November Employee of the Month – Bobby Mitchell of Parks & Recreation.

Human Resources PRIDE Awards

Quarterly PRIDE award winners:

Lieutenant James Racky, Police Department; **Mavis Kaiser** and **Bob Roden**, Purchasing Department; **Darin Cushing**, Department of Development Services; **Dan Young and Morris Robinson**, Public Works Department.

2005 Yearly PRIDE award winners:

Excellence in Community Service/Citizenship – **Lynn Meier**, Electrical Department; **Doug Dobbs** and **Cliff Shaw**, Water Distribution.

Excellence in Team Work – **Brenda Lovett, Adele Avolio, Katrina West**, Human Resources, **Carol Gallagher and Linda Guth**, Accounting Department.

Excellence in Leadership – **Lieutenant Rich Hill**, Police Department and **Battalion Chief Dan Harris**, Fire Department.

Excellence in Heroism – **Officer William Weldon**, Police Department.

Excellence in Wellness – **Carl Taylor**, Public Works Department.

Mayor's Award – **Rebecca Pillsbury**, Fire Department.

DOWNTOWN DEVELOPMENT AUTHORITY GECKOFEST

REQUEST BY Miki Boni, a local artist in the Village of the Arts, and **Bill Theroux**, Downtown Development Authority Executive Director, to display whimsical geckos throughout the downtown area beginning in January, 2006 and continuing for three months. The displays would be sponsored by local businesses with proceeds going to the Artists Guild of Manatee, Inc.

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

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

CITIZEN COMMENTS

Patrick Roff, 602 Virginia Drive and a Ward III Council candidate, addressed an article in the November 16, 2005 Bradenton Herald that he had violated a sign ordinance as to placement of a campaign sign in a canoe floating in Wares Creek.

He stated that in his opinion, he had not violated any ordinance as the canoe was in the water for approximately eight hours and interpreted the sign ordinance as saying the signage needed to be removed after 72 hours.

David Miner, a local attorney, stated that there would be a lot of benefit to the City of Bradenton by providing a local avenue of redress for area problems today and in future deliberations.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Reminded everyone of the Winter Wonderland Festival to be voted on at today's meeting and scheduled for December 8 – 10, 2005.

Councilwoman Barnebey requested that Bill Lisch review the revised Sarasota Estuary Interlocal Agreement to see if there were any significant changes made and whether the Council would have to again address these changes.

Councilwoman Weaver, Ward III: Nothing to report.

Vice Mayor Bemis Smith, Ward IV: Stated that he was still receiving calls alerting him that developers in the Old Manatee neighborhood were advising people to sell their homes to them as the city was in the process of exercising eminent domain. He stated that the city had never discussed eminent domain nor would be considering eminent domain in this area now or in the future.

Councilman James Golden, Ward V: Stated that there had been a good turnout for the Tampa Bay Regional Committee Symposium to discuss affordable housing.

Councilman Golden stated that the committee was now in the process of preparing some bills to bring forth at the next legislative session.

Mayor Wayne Poston: Invited everyone to the Christmas tree lighting and street lighting on December 1st on Barcarrota Boulevard.

CONSENT AGENDA

APPROVAL OF MINUTES of October 26, 2005 and Minutes of November 9, 2005.

RESOLUTION 05-72 FINDING THAT AN AREA WITHIN THE CITY OF BRADENTON AS DESCRIBED HEREIN CONTINUES TO CHRONICALLY EXHIBIT EXTREME AND UNACCEPTABLE LEVELS OF POVERTY, UNEMPLOYMENT, PHYSICAL DETERIORATION AND ECONOMIC DISINVESTMENT; MAKING CERTAIN DECLARATIONS REGARDING SAID AREA; RE-DESIGNATING SAID AREA AS THE CITY OF BRADENTON ENTERPRISE ZONE; PROVIDING AN EFFECTIVE DATE.

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

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNITCATIONS

SECOND READING OF PROPOSED ORDINANCE 2803 **PUBLIC HEARING**
AN ORDINANCE RENEWING THE EXISTING FRANCHISE OF BRIGHT HOUSE NETWORKS, ITS SUCCESSORS AND ASSIGNS, INITIALLY GRANTED UNDER ORDINANCE NO. 2103, AS EXTENDED BY ORDINANCE NO. 2452, TO OCCUPY MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE CITY OF BRADENTON, FLORIDA AS A MEANS OF PROVIDING CABLE SERVICES, PROVIDING FOR THE AMENDMENT OF ORDINANCE NOS. 2103 AND 2452 IN THEIR ENTIRETY AND THE ADOPTION OF A NEW ORDINANCE PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE RENEWAL OF THE GRANT OF FRANCHISE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that, due to an advertisement problem regarding Ordinance 2803, the second reading and public hearing would be held at the special meeting on November 30, 2005 at noon after certification of the run-off election results.

LU.05.0018 RS

Request of City of Bradenton for text amendments to the Land Use Regulations (LUR's) regarding alcoholic beverages within a Residential PDP.

FIRST READING OF PROPOSED ORDINANCE 2798

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS TO ADD NEW LANGUAGE REGARDING APPLICATION FOR ALCOHOLIC BEVERAGE SALES WITHIN A RESIDENTIAL PDP AND THEIR REGULATION; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2798 for December 14, 2005 was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

LU-05-0012 WARD 4 NEIGHBORHOOD 20.03 MM

Request of Cedarwood Development, agent for Southern Hospitality Associates, LLC. owners, to change the Zoning Atlas Designation from County A-1 to City PDP for the property located at 5055 3rd Avenue East.

FIRST READING OF PROPOSED ORDINANCE 2805

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 A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 5055 3RD AVENUE EAST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2805 for December 14, 2005 was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

LUR-AA-04-03 WARD 1 RS

Request of Matt Campo, agent for Burcaw & Associates to change the Zoning Atlas Designation from County General Commercial to City Commercial 2 for the property located at 7208 Manatee Avenue West.

FIRST READING OF PROPOSED ORDINANCE 2807

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 TO CITY COMMERCIAL-2 FOR THE PROPERTY LOCATED AT 7208 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing of proposed Ordinance 2807 for December 14, 2005 was made by Councilman Gallo/Councilwoman Barnebey and carried 5-0 for approval.

LU-05-0007 WARD 4 NEIGHBORHOOD 20.03 MM

Request of White Oak Development Inc., owner/agent, to change the Zoning Atlas Designation from County A-1 to City PDP for the property located at 101 48th Street Court Northeast.

FIRST READING OF PROPOSED ORDINANCE 2809

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 A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 101 48TH STREET COURT NE AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for proposed Ordinance 2809 on December 14, 2005 was made by Vice Mayor Smith/Councilman Gallo and carried 5-0 for approval.

CP.05.0011 WARD 1 NEIGHBORHOOD 12.04A ZONED PDW-CH RS

Request of Clifford L. Walters, Esq., agent for Paradise Pointe, L.L.C., owners, for a Small Scale Comprehensive Plan Amendment changing the Future Land Use Designation from Residential-3 to Commercial for the property located at 12320 Manatee Avenue W.

FIRST READING OF PROPOSED ORDINANCE 2811

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 12320 MANATEE AVENUE WEST, BRADENTON, FLORIDA, 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 CP.05.0011) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL-3 TO 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 of proposed Ordinance 2811 for December 14, 2005 was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

LU.05.0019 WARD 1 NEIGHBORHOOD 12.04A ZONED PDW-CH RS

Request of Clifford L. Walters, Esq., agent for Paradise Pointe, L.L.C., owners, to change the Zoning Atlas Designation from County PDW-CH to City PDP for the property located at 12320 Manatee Avenue W.

FIRST READING OF PROPOSED ORDINANCE 2812

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 PHW-CH TO CITY PDP FOR THE PROPERTY LOCATED AT 12320 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

MOTION TO APPROVE the first reading and set the second reading and public hearing for proposed Ordinance 2812 on December 14, 2005 was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

SA.05.0004 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING

Request of Egan Adams, owner, and Steven Lewis, agent, for a Special Use Amendment to add 4800 square feet to the existing day care facility at 2239 14th Street West. (Zoned C3)

The public hearing was opened to those in favor.

Steve Lewis gave a brief report regarding the addition of four more classrooms in order to provide care for an additional 101 children.

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

Ruth Seewer, Development Review Manager, stated that the parking concerns had been resolved and that the Department of Development Services staff recommended approval with three stipulations and the Planning Commission recommended approval with one additional stipulation. They were as followed:

1. Approval for the site plan via a letter submitted October 19, 2005 identified as Exhibits B1 and F1.
2. Two twelve-foot sliding gates would be installed on the south side of the easternmost parking area.
3. Approval was limited to 180 children.
4. Mulch would be placed as indicated on the plan in the northeast corner of the play area.

Questions were asked and answers given regarding some of the stipulations.

Ruth Seewer stated that applicant agreed to all the stipulations.

MOTION TO APPROVE SA.05.0004 as recommended by the Department of Development Services staff and the Planning Commission with four stipulations was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

RV.05.0007 WARD 4 NEIGHBORHOOD 7.02B RESOLUTION / PUBLIC HEARING

Request of M. Andrew Allison, P.E., agent, for Sun Bay Properties, Inc., owners, for a vacation of right-of-way at 2422 6th Avenue East. (Zoned R2A)

RESOLUTION 05-69

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" LOCATED AT 2422 6TH AVENUE WEST.

Vice Mayor Smith stated that he would be voting on this request as he had no financial interest in this development and that he had previously been partners with Ken McKeithen on another piece of property.

The public hearing was opened those in favor.

Bob Schmitt, Land Planning Associates gave a brief presentation on the proposed vacation of 26th Street East.

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

Matt McLachlan gave a brief report on the staff evaluation and stated that the Department of Development Services staff and the Planning Commission recommended approval of the vacation.

Discussion: A 20-foot easement would be provided to the City.

MOTION TO APPROVE Resolution 05-69 as recommended by the Department of Development Services staff and Planning Commission was made by Vice Mayor Smith/Councilwoman Barnebey and carried 5-0 for approval.

PR.05.0016 WARD 4 NEIGHBORHOOD 7.02B RS PUBLIC HEARING

Request of M. Andrew Allison, P.E., agent, for Sun Bay Properties, Inc., owners, for a Planned Development Project approval for the proposed Sun Bay Condominiums located at 2422 6th Avenue East. (Zoned R2A)

The public hearing was opened to those in favor.

Bob Schmitt, Land Planning Associates, gave a brief presentation on the proposed site plan and project for twenty-nine, two and three bedroom, three story townhouse units with enclosed garages. He stated that the applicant's intent was to keep the townhouses in the affordable price range in the high 100's to low 200's in order to provide workforce housing.

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

Ruth Sewer, Development Review Manager stated that the Department of Development Services staff and Planning Commission recommended approval of the request with the following five stipulations:

1. The wetland, conservation buffer, and any trees to remain on the site, would be adequately protected according to code requirements prior to any land clearing or construction activity.
2. An emergency access drive, meeting the approval of the Fire Marshal would be designed and approved prior to any site improvements.
3. The specific dumpster and recycling pad locations would be determined by the Public Works Department.
4. Failure of the applicant to secure title to the west 30 feet of right-of-way along the project boundary would result in revocation of this approval.
5. That the entrance to the fifth unit on building 7 would meet the requirements of DDS staff for PDP approval.

Ken McKeithen, owner, stated that he would be using white PVC fence material and would do everything possible to protect animals and wetlands.

MOTION TO APPROVE request PR.05.0016 as recommended by the Department of Development Services staff and the Planning Commission with five stipulations was made by Vice Mayor Smith/Councilwoman Barnebey and carried 5-0 for approval.

AX.05.0012 WARD 4 NEIGHBORHOOD 20.03 RS PUBLIC HEARING

Request of Stephen W. Thompson, Esq., agent for Walt Eppart and David McNabb, property owners, requesting de-annexation of certain land located at 101 48th Street Court East.

SECOND READING OF PROPOSED ORDINANCE 2801

AN ORDINANCE CONTRACTING THE MUNICIPAL BOUNDARY OF THE CITY OF BRADENTON, FLORIDA, BY DE-ANNEXING CERTAIN LAND LOCATED AT 101 48TH STREET COURT EAST, AND LEGALLY DESCRIBED.

The public hearing was opened to those in favor.

Stephen Thompson, agent, gave a brief report of the de-annexation of a partial piece of property that was previously annexed into the city. He stated that Manatee County had filed a lawsuit against the city claiming this property would cause an enclave.

Mr. Thompson voiced his disagreement that this piece would cause an enclave, but to resolve the lawsuit, this five-acre parcel located at 101 48th Street Court East would be de-annexed and recorded back into the county.

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

Matt McLachlan gave a brief report on the staff evaluation and stated that the Department of Development Services staff recommended approval of this request.

MOTION TO APPROVE AX.05.0012, Ordinance 2801 as recommended by the Department of Development Services staff was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

CP.05.0009 WARD 4 NEIGHBORHOOD 20.03 MM PUBLIC HEARING

Request of Stephen Thompson, agent, for G.E. Apartments, Ltd., for a Small Scale Comprehensive Plan Amendment changing the Future Land Use from County Residential 6 to City Residential 6 for property located at 407 48th Street Court East.

SECOND READING OF PROPOSED ORDINANCE 2799

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 407 48TH STREET COURT EAST, BRADENTON, 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 CP.05.0009) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 6 COUNTY TO RESIDENTIAL 6 CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Stephen Thompson, agent gave a brief report of the small scale comprehensive plan amendment known as the Virginia Heights property located east of 407 48th Street Court East which would be combined with the adjacent Aurora property.

Mr. Thompson stated that this area was designated for the future fire station.

Anyone wishing to speak in opposition to come forward.

Isabel Wetz, 3006 73rd Street East, voiced her objection to the request as it would cause too many people and too much traffic on 48th Street Court East.

The public hearing was closed.

Matt McLachlan gave a brief report on the amendment and stated that the Department of Development Services staff and Planning Commission recommended approval of the request as the designation was compatible with the land use pattern and surrounding neighborhood.

MOTION TO APPROVE CP.05.0009 request, Ordinance 2799 as recommended by the Department of Development Services staff and Planning Commission was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

LU.05.0017 WARD 4 NEIGHBORHOOD 20.03 MM

Request of Stephen Thompson, agent, for G.E. Apartments, Ltd., for a Land Use Atlas Amendment to change the zoning designation from County A-1 to City PDP for property located at 407 48th Street Court East.

SECOND READING OF PROPOSED ORDINANCE 2800 **PUBLIC HEARING**
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 A-1 TO CITY PDP FOR THE PROPERTY LOCATED AT 407 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

The public hearing was opened to those in favor.

Stephen Thompson, agent, gave a brief report of the zoning designation on property located at 407 48th Street Court East.

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

Matt McLachlan gave a brief report and stated that the Department of Development Services staff and the Planning Commission recommended approval of the request as it was consistent with the Comprehensive Plan.

MOTION TO APPROVE LU.05.0017, Ordinance 2800 as recommended by the Department of Development Services staff and the Planning Commission was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

CP.05.0002 WARD 4 NEIGHBORHOOD 20.03 MM

Request of Cedarwood Development, agent for Southern Hospitality Associates, LLC, owners, for a Large Scale Comprehensive Plan Amendment changing the Future Land Use from County Residential C to City Residential 6 for the property located at 5055 3rd Avenue East.

PROPOSED ORDINANCE 2804 **PUBLIC HEARING**
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5055 3RD AVENUE 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.05.0002) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened to those in favor.

Stephen Thompson, agent, gave a brief report on the comprehensive plan amendment and stated that the Department of Community Affairs had no objections to the request and requested approval.

Those in opposition.

Isabel Wetz, 3006 73rd Street East, voiced her objection to the request and stated that there were a lot of wetlands on this property which, if developed, would create a flood danger for many people.

She commented that there were currently some illegal activities observed on the site.

Mr. Thompson addressed her comment and stated that he was not aware of any site activities. He stated that there had been people on the site taking soil samples and evaluating the existing house on the site. They had determined that the house would not be suitable to use as a clubhouse.

Ruth Seewer stated that the applicant had a site improvement permit for a temporary dirt road to test the soil.

The public hearing was closed.

MOTION TO APPROVE CP.05.0002, Ordinance 2804 as recommended by the Department of Development Services staff and Planning Commission was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

CPA-M-04-03 WARD 1 RS

Request of Matt Campo, agent for Burcaw & Associates, for a Large School Comprehensive Plan Amendment changing the Future Land Use Designation from County ROR to City Commercial for the property located at 7208 Manatee Avenue West.

PROPOSED ORDINANCE 2806

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 7208 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 (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CPA-M-04-03) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY ROR TO CITY COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened to those in favor, hearing none.

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

Matt McLachlan stated that this was in the adoption phase with no objections from the state. He stated the Department of Development Services staff recommended approval as proposed.

MOTION TO APPROVE CPA-M-04-03, Ordinance 2806 as recommended by the Department of Development Services staff was made by Councilman Gallo/Councilman Golden and carried 4-0 for approval. (Councilwoman Weaver absent from voting.)

CP-05-0003 WARD 4 NEIGHBORHOOD 20.03 MM

Request of White Oak Development Inc., owner/agent, to change the Future Land Use Designation from County Residential 6 to City Residential 6 for the property located at 101 48th Street Court Northeast.

PROPOSED ORDINANCE 2808

PUBLIC HEARING

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 CP.05.0003) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened to those in favor.

Stephen Thompson, agent gave a brief overview of the request and stated that the Department of Community Affairs (DCA) had reviewed the request and had no objections.

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

Matt McLachlin stated the Department of Development Services staff recommended approval.

MOTION TO APPROVE CP.05.0003, Ordinance 2808 as recommended by the Department of Development Services staff was made by Vice Mayor Smith/Councilman Golden and carried 5-0 for approval.

CP-05-0005 WARD 1 NEIGHBORHOOD 11.03 ZONED PDP

Request of George F. Young, Inc., agent for CABE, LLP, to change the Future Land Use Designation from Commercial to Residential-15 for the property located at 5501 Cortez Road West.

PROPOSED ORDINANCE 2810

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5501 CORTEZ ROAD 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.05.0005) CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL TO CITY RESIDENTIAL 15; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened to those in favor.

George H. Mazzarantani, agent gave a brief overview of the request and stated that the Department of Community Affairs (DCA) had reviewed the request and had no objections.

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

Matt McLachlin gave a brief overview of the request with the proposed plan for senior housing and stated that the Department of Development Services staff recommended approval.

MOTION TO APPROVE CP-05-0005, Ordinance 2810 as recommended by the Department of Development Services staff was made by Councilman Gallo/Councilwoman Barnebey carried 5-0 for approval

SECOND READING OF PROPOSED ORDINANCE 2802

PUBLIC HEARING

AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY REMOVING PROVISIONS REGARDING INVESTIGATIONS AND ADMINISTRATION OF FAIR HOUSING COMPLAINTS FROM THE CITY OF BRADENTON'S OFFICE OF COMMUNITY RELATIONS AND COMMUNITY RELATIONS BOARD (NOW KNOWN AS THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD); PROVIDING FOR REFERRAL OF THOSE COMPLAINTS TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened.

Councilman Golden stated that after reading the minutes of October 11, 2005 from the Grants & Assistance Community Relations Board meeting and reviewing the material as presented by Jeana Winterbottom, Grants Manager, he was not prepared to make a decision on this issue at this time. He stated there had been no previous discussion on this issue and questioned what was in the best interest of the city at this time.

Councilman Gallo stated that due to his illness he would be supporting this motion and requested that the new Department of Development Services Director review this issue and report back to the Council of his findings.

MOTION TO TABLE the proposed Ordinance 2802 to an undetermined date was made by Councilman Golden/Councilman Gallo and carried 3-2 to table. Councilwoman Barnebey and Councilwoman Weaver were in opposition.

Discussion: Decertifying the Fair Housing program and what would be in the best interest of the city. To give the new Department of Development Services Director the opportunity to review this issue and bring the issue back to the Council at a later date.

MOTION TO give the new director of Department of Development Services time to review this issue and report back to the Council on January 25, 2006 was made by Vice Mayor Smith/Councilwoman Barnebey and carried 4-1. Councilman Golden was in opposition.

Lengthy discussion: A request to have Jeana Winterbottom find other funding and the complaints received since inception of the Fair Housing program.

RESOLUTION 05-71

PUBLIC HEARING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE 2005 CITY OF BRADENTON WASTEWATER FACILITY PLAN, ADOPTING THE CITY OF BRADENTON WASTEWATER FACILITIES CAPITAL FINANCING PLAN, AUTHORIZING SUBMISSION OF THE PLAN TO FLORIDA DEPARTMENT OF ENVIRONMENT PROTECTION, DESIGNATING THE MAYOR AS THE AUTHORIZED REPRESENTATIVE; AND PROVIDING AN EFFECTIVE DATE.

Harold Bridges, Jones Edmunds and Associates gave a brief summary of the Wastewater Facilities Capital Financing Plan and referred to the previously distributed Wastewater Facility Plan WW68118P booklet. He recommended the plan for adoption and to proceed with the implementation for the top priority projects.

Lengthy discussion: Facility costs, annual cost to maintain the facilities, aging facilities and expansions, and debt service needs.

The public hearing was opened to those in favor, hearing none.

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

MOTION TO APPROVE Resolution 05-71 as recommended by Harold Bridges was made by Councilwoman Weaver/Councilman Gallo and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

2006 COUNCIL MEETING DATES

Mr. Callahan suggested two different options for Council's consideration:

Draft A with one meeting on November 15, 2006.

Draft B with meetings on November 15th and November 22, 2006.

Mr. Callahan recommended Draft A as the Council could call special meetings should one be deemed necessary.

MOTION TO APPROVE Draft A of the 2006 Council meeting dates as recommended by Carl Callahan was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

REQUEST BY the Hernando De Soto Historical Society to hold the 2006 De Soto Heritage Festival starting with the Seafood Festival, Friday, March 31st – April 2nd the Bottle Boat Regatta on Saturday, April 2nd and ending the celebration with the Grand Parade on Saturday, April 29, 2006.

Carl Callahan requested the following four stipulations:

1. All departments sign off on the application.
2. Receipt of a current Certificate of Insurance on file with the Clerk's office.
3. Damage deposit received prior to the Seafood Festival.
4. Police security would be paid in full prior to each event.

MOTION TO APPROVE the request of the Hernando De Soto Historical Society with four stipulations as recommended by Carl Callahan was made by Councilman Gallo/Councilwoman Barnebey and carried 4-1 for approval. Councilman Golden was in opposition.

REQUEST BY Councilwoman Barnebey on behalf of Winter Wonderland to hold the Jingle Bell Run, Lighted Boat Parade and Winter Wonderland Family Street Festival on Old Main Street on December 8 - 10, 2005.

Councilwoman Barnebey stated that a current Certificate of Insurance would be issued and that all departments would sign off on the application.

MOTION TO APPROVE the request to hold Winter Wonderland was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

VEHICLE FOR HIRE – METRO CAB, LLC

Mr. Callahan stated that he had reviewed the application packet for an Occupational License and recommended approval.

Mr. Thomas Gahan, owner, gave a brief summary of the request and stated that currently four cars would service the Manatee and Sarasota area with thirty cars added gradually.

MOTION TO APPROVE Vehicle for Hire – Metro Cab, LLC., as recommended by Carl Callahan was made by Councilwoman Barnebey/Councilman Gallo and carried 5-0 for approval.

John Cumming

PAY SCALE ADJUSTMENTS

Mr. Cumming referred to a memorandum dated November 7, 2005; entitled: “Salary Adjustments – Entry Level, Trades, Others as Required.” He explained the attachment to the memorandum “In-House Salary Survey/Study” which compared positions and salary ranges within the department.

He stated that the department was having difficulty in attracting and holding employees in these Public Works positions. He stated to accommodate these adjustments would require an increase to water, sewer and solid waste rates.

He further stated that these rates needed adjustment to account for various increasing expenses and proposed capital improvements along with the significant increase in fuel, electric power, chemicals, county landfill fees, PVC pipe, and costs. He suggested a “catch up” plan be implemented to address these increases in costs.

Discussion: The survey included similar position pay ranges compared with comparable government agencies.

Mr. Callahan recommended the pay ranges take effect January 1, 2006.

Discussion: Moving the effective date to December 1, 2005.

Mr. Cumming agreed to the effective date of January 1, 2006.

MOTION TO APPROVE the Public Works Department Pay Scale Adjustments effective January 1, 2006 was made by Councilwoman Weaver/Councilman Gallo and carried 5-0 for approval.

Bill Lisch

RESOLUTION 05-73

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, EVIDENCING ITS ELECTION THAT THE FIRE DEPARTMENT OF THE CITY OF BRADENTON SHALL ASSUME THE RESPONSIBILITIES OF FIRE FIGHTING SERVICES FOR THAT ANNEXED LAND KNOWN AS THE MIXON PROPERTY AS DESCRIBED IN ORDINANCE NO. 2779 ADOPTED ON THE 28TH DAY OF SEPTEMBER, 2005; PROVIDING AN EFFECTIVE DATE.

Mr. Lisch stated that after approval of this resolution he recommended the resolution be forwarded to the Southern Manatee Fire District, the Manatee County Property Appraiser and the Manatee County Tax Collector.

MOTION TO APPROVE Resolution 05-73 as recommended by Bill Lisch was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

RESOLUTION 05-74

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, APPOINTING **TIMOTHY POLK**, AS DIRECTOR OF DEVELOPMENT SERVICES FOR THE CITY OF BRADENTON; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE Resolution 05-74 was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan:

REQUEST BY Mr. Callahan to set the second reading and public hearing on proposed Ordinance 2781 for December 14, 2005.

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 5050 1ST AVENUE EAST AND LEGALLY DESCRIBED.

MOTION TO set the second reading and public hearing for AX.05.0007, proposed Ordinance 2781 on December 14, 2005 was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

REQUEST BY Mr. Callahan to authorize him to make financial adjustments as recommended by the auditors to finalize the closing entries and close out the financial statement for 2004 – 2005.

No discussion followed.

MOTION TO APPROVE the request by Mr. Callahan authorizing him to make financial adjustments as recommended by the auditors was made by Councilman Gallo/Vice Mayor Smith and carried 5-0 for approval.

REQUEST BY the Sacred Heart Church on 12th Avenue West to hold a procession on December 11, 2005 from 12:00 p.m. to 12:30 p.m. with street closures for a short period of time on 12th Avenue West to 16th Street West to 14th Avenue West to 15th Street West and back to the church on 12th Avenue West.

No discussion followed.

MOTION TO APPROVE the request by the Sacred Heart Church was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Chief Souders: Excused absence.

Carolyn Moore: Reported that the event “Florida on the Move” was a great success with the city employees winning awards for the largest team and the best T-shirts.

Staci Cross: Reported that the citizens would be able to make utility payments on line through the City’s website within the next few weeks. She stated she would do a demonstration at the next Council meeting.

Ms. Cross reported that Human Resources information would be available for the employees to review their records and that the permitting system would be on line in the next month.

Ms. Cross reported that she was working on upgrading the fifteen year old equipment in the sign shop, meter shop and electrical department.

Ms. Cross reported that she was still waiting to hear about the C-PLIM/OSSI grant to replace the system in the police department.

She reported that Florida Department of Law Enforcement (FDLE) requirements were to have each city's police department on their own network. She stated that the Bradenton Police Department had been built and completed last month.

She reported that she was looking into providing laptops for the Code Enforcement Officers so that they would have access to pertinent information and to aid in their daily work loads.

Mr. Callahan displayed a large stack of checks which were payments to poll workers during the last election. He stated that it was a large expense for the low voter turnout of 10 percent.

Councilman Gallo stated he would be investigating other government agencies that do not require having a majority of 51 percent of the votes for election thereby eliminating the extra costs of a run-off election.

Chief Radzilowski: Reported that the police department provided a team of nine officers for a mutual aid mission to the City of Plantation on the east coast after Hurricane Wilma.

He reported that the department had won four deliberators at a recent conference and would be distributing them where needed.

John Cumming: Nothing to report.

Matt McLachlan: Nothing to report.

Bill Lisch: Nothing to report.

Mayor Poston announced a Joint Work Session on December 14, 2005 between the County Commissioners and municipalities throughout the county regarding transportation and a community character study.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:45 a.m.

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