

**CITY COUNCIL MEETING  
October 11, 2006**

**APPROVED BY  
October 25, 2006  
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 October 11, 2006 at 8:30 a.m.

**Present:** Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; and Councilman Ward IV Bemis Smith.

**City Officials:** Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

**Press:** Bradenton Herald and Bradenton Observer

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Paul Scheele, Congregational United Church of Christ.  
Flag salute was led by Mayor Poston.

Vice Mayor/Councilman Ward I Gene Gallo and Councilman Ward V James T. Golden were excused from the meeting.

**PROCLAMATIONS**

Florida City Government Week – October 15-21, 2006

**PRESENTATIONS**

Human Resources Department

Carolyn Moore recognized **Larna Leonard, Susan Kahl, and Janet Mitchell**, Planning and Community Development; **Sandy Markman**, Information Technology; **Sergeant James Wilkerson**, Bradenton Police; **Pat Schilling**, Utility Billing and **Bill Ackles**, Local Business Tax for the 3<sup>rd</sup> quarter Pride Award winners.

John Ormando, Public Works Assistant Director, recognized five supervisors: **Dennis Bussell**, Lift Station; **Kermit Blake**, Garage; **Julius Washington**, Storm Water; **Mitch Brown**, Street; and **Ken Stevens**, Water Reclamation.

Bradenton Police Department

Mayor Poston and Chief Radzilowski presented a plaque to **Lieutenant Richard Hill** for his 20 years of Service to the City and promoted Officer **Charles McCrea** to Sergeant.

Mayor Poston gave the oath of office to Officers **Sean O’Leary** and **Carlos Houston**.

Information Technology Recognition

Staci Cross recognized **Jake Zaagman, Cindy Zaagman, Cindy Dudar, Francis Dunbar, Detective John Negron, Sergeant Wilkinson, Sergeant Millard, Officer Thiers, Lieutenant Kish, Sergeant Cramer, Detective Konieczka, Detective Stahley, Larna Leonard, Steve Pac, Bruce Williams, Dallas Powell and Diana Blackerby** for their assistance in implementing the OSSI system in the Police Department.

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

### CITIZEN COMMENTS

No one came forward.

### COUNCIL REPORTS

**Vice Mayor/Councilman Gene Gallo, Ward I:** Excused absence.

**Councilwoman Marianne Barnebey, Ward II:** Nothing to report.

**Councilman Patrick Roff, Ward III:** Announced that the Arts Center of Manatee would be presenting the "American Water Color Society International Traveling Exhibit" from October 14, 2006 through November 25, 2006.

Mayor Poston stated that this would be a major event and that it was a great honor to have this exhibit in Bradenton.

**Councilman Bemis Smith, Ward IV:** Stated that he had researched the permit process for the special exception use for residential docks along the waterway on the Manatee River. He stated that the advertisement cost for this permit was approximately \$100 and for the review process \$100.

**REQUEST BY** Councilman Smith that the current fee of \$700 for a special exception permit be reduced to \$200 to cover the cost for special exception use for residential docks.

Mr. Lisch would look into drafting an ordinance or resolution.

**MOTION to draft an ordinance for the first reading at today's meeting or by resolution to reduce the permit fee from \$700 to \$200 for a special exception to build residential docks along the waterway on the Manatee River was made by Councilman Smith and Councilwoman Barnebey and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

**Councilman James Golden, Ward V:** Excused absence.

**Mayor Wayne Poston:** Announced that the Bike Week event, which had been held on Old Main Street, had gone very well and was well attended. There had been one minor incident involving an individual who was found urinating on City Hall.

Mayor Poston stated that there were a lot of great things happening in downtown Bradenton. He stated that the Arts Walk held in the Village of the Arts had been a great success again this year, and the October 7<sup>th</sup> reopening of the Old Main Street Market was eagerly anticipated.

### CONSENT AGENDA

- **Approval of Minutes of September 21, 2006.**
- **Approval of Minutes of September 27, 2006.**
- **2007 Holiday Schedule**

**MOTION TO APPROVE the Consent Agenda consisting of the September 21, 2006 and September 27, 2006 minutes and 2007 Holiday Schedule was made by Councilman Smith and Councilwoman Barnebey and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### **MA.06.0013 WARD 4 NEIGHBORHOOD 20.03 RS**

### **PUBLIC HEARING**

Request of WilsonMiller, agent for WCI Communities, owner, for a major amendment to a Planned Development to reduce the building height, reduce the number of dwelling units and add boat docks for property located at 501 48<sup>th</sup> Street Court Northeast. (Zoned PDP)

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

**Steven Thompson**, representing WCI Communities gave a brief overview of the development known as “Tidewater Preserve” and the plans to reduce the height of the buildings, to reduce the number of dwelling units which would reduce the overall density, and add boat slips to the project. He stated the plan was to install a boatlift system similar to the system in “The Inlets.” He stated there would be no docks built on the river, but they would instead be in the internal storm water pond and that this plan had been recommended by the Department of Environmental Protection and Southwest Florida Water Management District.

**Betsy Benac**, Land Planner with WilsonMiller, displayed renderings of the original site plan and the future site plan with the minor changes.

She discussed the request for a 149-boat slip congregated docking facility and an additional 118 slips for the single family lot owners abutting the lake.

Questions were asked and answers given regarding the height of the Interstate 75 bridge next to the project.

Mr. Thompson answered that it was approximately 150 feet in height which would conform with the height of the proposed buildings.

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

Tim Polk gave the Planning and Community Development staff report with the Planning and Community Development staff and Planning Commission recommendation for approval with the following four stipulations:

1) The applicant would comply with the commitments outlined in the environmental narrative and identified in the staff analysis as numbers 1-11 as follows:

1. Locate the boats within the storm water pond to eliminate pollutant loading and shoreline erosion in the Manatee River.
2. Locate the boats within the storm water pond to avoid the pre-emption of sovereign lands and elimination of public access.
3. Oversize the treatment volume of the storm water pond to negate the additional pollutant loading from boats.
4. Utilize a boatlift system to access the Manatee River, which would also control the draft and size of boats within the pond.
5. Distance the boatlift from the high-energy northwestern corner of the property to minimize erosion, dredging and impact upon sea grasses.
6. Locate the boatlift to minimize dredging in the Manatee River.
7. Maximize the distance between the littoral shelf/storm water discharge point located behind the multi-family units and the boatlift to decrease water quality concerns.
8. Prohibit sewage pump-outs, fish cleaning stations, and fueling facilities.

9. Deliberately do not plat lots to mean high water to withhold riparian rights adjacent to the Manatee River.
  10. Utilize greenheart wood to eliminate pollutant leaching from pilings.
  11. Utilize boatlifts at each dock so boats are not stored in the water.
- 2) The applicant would operate under the Clean Marina program.
  - 3) Restrictions identified by the Fire Department would be complied with.
  - 4) All conditions and stipulations of the original PDP approval would remain in effect.

**MOTION TO APPROVE MA.06.0013 with the Planning and Community Development and Planning Commission recommendation with four stipulations and eleven staff analysis was made by Councilman Smith/Councilman Roff and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

Mayor Poston welcomed Mrs. Pfeiffer's 5<sup>th</sup> grade class from Ballard Elementary School.

### NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

#### Carl Callahan

##### RESOLUTION 06-61

A RESOLUTION SETTING PARKING FEES; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan gave a brief overview of the resolution which would change the permit fees as well as the parking rates in the downtown parking lots. He distributed new downtown parking maps and a handout listing 2,071 parking spaces in the downtown area. He stated that the rates were last changed in 1998.

No discussion followed.

**MOTION TO APPROVE Resolution 06-61 was made by Councilman Roff/Councilwoman Barnebey and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

#### Tim Polk

##### SUN BAY CONDOMINIUM PROJECT - PR.05.0016

Request of Ken McKeithen for approval of a revised fence material for the Sun Bay Condominium Project located at 2422 6<sup>th</sup> Avenue East.

**Ken McKeithen** gave a brief overview of his current development under construction which had been previously approved to install white PVC fencing. He displayed photographs showing a different fence material like chain link with vinyl slats that he was proposing to install. He stated he would like to see a darker color fence that would blend in with the surrounding landscape and would not be directly visible. He stated he was concerned that the white PVC fencing would be a magnet for graffiti artists.

General discussion was made about what would be the best type of fence material to use to fit in with the surrounding neighborhood.

Councilman Smith stated that he had no ties to or financial benefit to gain from this project but has had a previous business partnership with Mr. McKeithen.

Tim Polk stated that the Planning and Community Development staff had no objections to the request.

The majority of the Council preferred a dark color the first choice being dark green; second choice black, and third choice, dark brown.

**MOTION TO APPROVE the PR.05.0016 request to use a dark color was made by Councilman Smith/Councilwoman Barnebey and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

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**PUBLIC HEARING** to consider for adoption the proposed Housing & Community Development Housing Choice Voucher Program Annual PHA (Public Housing Agency) Plan for the fiscal year beginning October 1, 2006.

**RESOLUTION 06-62**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA (ACTING AS THE SECTION HOUSING AGENCY BOARD) ADOPTING THE CITY OF BRADENTON SECTION 8 ANNUAL PLAN.

The public hearing was opened; those in favor or opposition come forward.

**Willie Calhoun**, Housing Supervisor, gave a general overview of the merits and missions of the PHA annual plan.

**Susie Copeland**, 1010 27<sup>th</sup> Street East, voiced her concern that the plan was not available for public viewing at the Manatee County Library as stated in the notice.

Carl Callahan stated that the copy of the plan had been at the library for the required 75 days and had been picked up the day before yesterday in anticipation of today's meeting due to possible changes that may have been made at this meeting. He stated that the library copy had been stamped by the library noting that it had been on file, and that the plan had always been available at City Hall as the notice also indicated.

**Claudia Russell**, 1309 14<sup>th</sup> Street East, voiced her concern about allowing enough time for the public to comment on the plan. She asked what changes were made on major issues and why the plan been delayed until after October 1, 2006.

**Lesa Ramos**, Housing and Community Development Interim Manager gave a brief overview of the public notices and dates published in the newspaper for public comments.

Mrs. Ramos stated that there were no major changes made to the plan, excluding the reduction in staff, and gave a brief overview of the staff changes.

Mrs. Ramos acknowledged that the plan was late, due to the staff transition and the need for training of new staff.

She stated that Housing and Urban Development (HUD) was aware of the plan and the administrative staff transition, and that all of the HUD requirements had been met.

Tim Polk commented that HUD had understood and allowed time for training the new staff.

The public hearing was closed.

Tim Polk stated that the Planning and Community Development staff recommended approval of the Housing Choice Voucher Program Annual PHA plan.

Councilwoman Barnebey stated that she had reviewed the plan and saw no outstanding differences from the previous year's plan and would support the motion.

Councilman Smith stated that he would like to see this plan moved forward and was in agreement with Councilwoman Barnebey.

Mr. Polk stated that, in the future, the housing department would be working closely with Tim McCann, Public Information Officer, to develop a public calendar on the city's website to keep the citizens informed of important issues and that the website would be utilized in addition to the regular posted notices and advertisements.

**MOTION TO APPROVE RESOLUTION 06-62 with the required certifications as recommended by the Planning and Community Development staff was made by Councilman Smith/Councilwoman Barnebey and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

## DEPARTMENT HEADS

### **Carl Callahan:**

Mr. Callahan stated that the Police Department had received a Florida Department of Transportation (FDOT) grant in the amount of \$108,960 for two undercover traffic unit vehicles fully equipped to combat aggressive driving.

Mr. Callahan recommended the purchase as recommended by FDOT for two "unconventional" vehicles under Florida Statute 287, Purchasing Guidelines which refers to emergency procedures with approval of a legislative body.

Chief Radzilowski stated that the grant application had been written by Sergeant Tyler Matthews prior to his passing, and that he had done an outstanding job.

**MOTION TO APPROVE the request as recommended by Mr. Callahan to purchase two (2) unconventional vehicles for the police department under the Florida Statute guidelines was made by Councilwoman Barnebey/Councilman Roff and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Nothing to report.

**John Cumming:** Nothing to report.

**Tim Polk:** Distributed a memo with attached emails outlining the timeline of the submission of the 2006-2007 CDBG Action Plan in response to an article published in the Sunday, October 8, 2006 Herald Tribune referring to the headline "City May Have Lost \$500,000 Grant" with subtitle "Bradenton might miss out on the money after a HUD deadline passed."

He gave a brief overview of the timeline, and stated that the article was not accurate in its finding. He stated that he was in constant communication and cooperation with HUD, and that the plan had not been lost as the article indicated.

Mr. Polk stated that he would like to see some sort of protocol established with the news reporters to make sure that such types of unsubstantiated negative articles would not be written in the future.

Mr. Callahan reiterated the concern about news reporting and referred to another headline in the Herald Tribune indicating that the city was at an "Impasse" in negotiations with the police

department. He stated that the legal definition of "Impasse" meant that the city was no longer bargaining, which was untrue, as the city was still in negotiations.

**Bill Lisch:**

**REQUEST TO APPROVE a Mutual Aid Agreement with East Manatee Fire Department for the surrounding county districts and the 48<sup>th</sup> Street Court East "Tidewater Preserve" development.**

No discussion followed.

**MOTION TO APPROVE the Mutual Aid Agreement with the East Manatee Fire Department was made by Councilman Smith/Councilwoman Barnebey and carried 3-0 for approval.** (Vice Mayor/Councilman Gallo and Councilman Golden were excused from the meeting.)

**Carolyn Moore:** Nothing to report.

Mayor Poston announced that Matt McLachlan was leaving the City to become the new Planning Development Director in Safety Harbor, Florida.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 10:35 a.m.

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