

**CITY COUNCIL MEETING
January 25, 2006**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on January 25, 2006 at 6:00 p.m.

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

City Officials: Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; Michelle Hall, Acting as City Attorney; Chuck Edwards, Deputy Fire Chief; Jeffrey Lewis, Police Major; Tim Polk, Development Services 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 Minister Sterling Forrester, retired.
Flag salute was led by Mayor Poston.

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 and Councilman Gene Gallo, Ward I: Commented that the Memorial Pier had been named in honor of the World War I veterans. He asked if anyone knew where the veterans' plaques were that had hung at the Memorial Pier before Twin Dolphin purchased the property.

Vice Mayor Gallo stated that the veterans' plaques should now be hung at the Veterans' Memorial.

Discussion was made as to where the plaques may now be.

Mayor Poston suggested looking in the Manatee County Historical Society archives.

John Cumming stated he would look into the matter.

Councilwoman Marianne Barnebey, Ward II: Announced that the Great Outdoors Conservancy Dinner would be held at the City Centre Auditorium this weekend.

Councilwoman Barnebey announced a Variety Show to be held at the American Legion Kirby Stewart Post 24 on February 3rd.

Councilwoman Barnebey voiced her concern regarding people living in recreational vehicles parked in yards and asked if the Code Enforcement staff would look into this problem.

Councilman Patrick Roff, Ward III: Attended a class for newly elected municipal officials and stated that it was very informative.

Councilman Roff announced that he was in the process on setting a meeting with the Bradenton Tropical Palm residents but was confronted with problems from the park management.

Mayor Poston stated that he thought a meeting had been set for Tuesday, January 31st.

Councilman Bemis Smith, Ward IV: Reported that the Florida League of Cities was pushing for several bills in the legislature regarding funding for studies on Red Tide, studies on affordable housing and funding for transportation.

Councilman Smith referred to an article in the newspaper requiring cities to assist with funding for housing for mobile home owners who were bought out by a developer.

Mayor Poston stated that the Florida League of Cities, the City of Bradenton, and Manatee County were opposing this bill and explained that the legislators' goal was to assist displaced mobile homeowners with funds collected over a number of years from ad valorem taxes on the developed property.

Councilman James Golden, Ward V: Attended a Florida Black Caucus meeting and stated that affordable housing was the top issue on the agenda. He thanked Tim Polk for his input on this very controversial issue.

Councilman Golden announced an orientation meeting for the 2005-2006 neighborhood enhance grant program to be held on Tuesday, January 31st at the Manatee County Braden River library.

Mayor Wayne Poston: Stated that the Village of the Arts celebration which took place Saturday, January 21st was a great success.

Mayor Poston thanked Carolyn Moore for leading last night's Commercial Building Seminar of Neighborhoods with attendees from throughout the city's neighborhoods. Carolyn taught the attendees how to work together, how to get people to volunteer, and how to make a mission statement as to how they would want their neighborhoods to look.

Mayor Poston introduced Michele Hall, City Attorney of the City of Palmetto, sitting in for Bill Lisch during his absence.

CONSENT AGENDA

APPROVAL OF MINUTES for December 14, 2005, January 3, 2006 and January 11, 2006.

RESOLUTION 06 - 17

A RESOLUTION APPOINTING VOLKER REISS TO THE ENTERPRISE ZONE BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

RESOLUTION 06-18

A RESOLUTION REAPPOINTING LAURIE WENSINK TO THE GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

RESOLUTION 06-19

A RESOLUTION REAPPOINTING F. PETER SECRET TO THE CODE ENFORCEMENT BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

RESOLUTION 06-20

A RESOLUTION APPOINTING JUDY KARKHOFF TO THE CODE ENFORCEMENT BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

MOTION TO APPROVE the Consent Agenda with Council minutes of December 14, 2005, January 3, 2006 and January 11, 2006 with Resolution 06-17 through 06-20 was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

Mr. Callahan referred to a memorandum from Tim Polk requesting that the second reading for the Fair Housing Ordinance #2802 be withdrawn from the agenda as he had not received sufficient information from HUD to properly review the issues.

Mr. Callahan stated that the second reading for Ordinance #2815 on the Verizon Franchise was postponed by the applicant to the February 8, 2006 meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2814

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA PROHIBITING THE USE OF PUBLIC OR PRIVATE PLACES FOR OUT-OF-DOORS LODGING; PROVIDING DEFINITIONS; PROVIDING STANDARDS FOR VIOLATION AND ENFORCEMENT; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

General discussion to have all the Council Members and Department Heads at the public hearing.

MOTION TO APPROVE the first reading and set the second reading and public hearing for February 22, 2006 was made by Councilman Smith/Councilman Golden and carried 5-0 for approval.

SU.05.0018 WARD 5 NEIGHBORHOOD 7.03 RS

PUBLIC HEARING

Request of Phyllis Mays, owner, of Grasshopper Academy, for Special Use approval to operate a daycare center located at 1300 Manatee Avenue East. (Zoned C1A)

Public hearing was continued, those in favor come forward.

Phyllis Mays stated that she and her partner would place extra trees along the north side of the walkway with steel reinforced concrete bollards along the playground area. She stated she would have one exit only onto Manatee Avenue and direct traffic would enter from 12th Street East.

She thanked many of the parents who were in the audience for coming and supporting her.

General discussion and concerns about the location of the daycare facility due to its being surround by heavy traffic on both sides.

Tim Polk reported that the traffic count for a three-day period off of 12th Street West was 1,330 vehicles north bound, and 3,402 vehicles southbound for a total of 4,722 vehicles making an average of 1,577.3 vehicles per day.

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

Tim Polk gave the Department of Development Services staff report and stated that the staff recommended approval with five stipulations and the Planning Commission recommended approval with one additional stipulation and the underlined in stipulation #1. They were as follows:

1. Reinforced concrete bollards would be installed outside the fence around the playground area.
2. All inferior landscaping would be replaced.
3. Additional trees and shrubs, subject to the approval of the Department of Development Services staff, would be installed around the playground area.
4. Kitchen facilities would meet the requirements of a commercial kitchen as specified by the Fire Department.
5. The subject property would be properly maintained at all times as a gateway into the city. Chronic care-of-premises violations by the Code Enforcement Board may result in revocation of this Special Use approval.
6. Dumpster size, fencing and gates would be brought up to current standards.

General discussion as to the size and number of bollards which would be installed.

Ruth Seewer, Development Review Manager, stated that one bollard could be placed every four feet over approximately 50 feet of playground area.

Councilman Smith expressed his concern regarding the site location with the busy traffic flow surrounding the facility and the many fruit trucks speeding past this facility. However, he stated that after speaking to the city staff, he would now support this motion.

Councilwoman Barnebey voiced her concern about the large amount of traffic and the risk to the children's safety and stated that she could not support this motion.

Vice Mayor Gallo stated that the need for a daycare center in this area was great, but he could not support this request due to its location and the heavy traffic volume which would threaten the children's safety.

Councilman Golden stated that the applicant was willing to fill a great need and to accept the risk of this location. He stated that he would follow the Department of Development Services staff and Planning Commission's recommendation for approval. He stated that he had heard no one speak in opposition to this request and, due to the inadequate number of good daycare centers in this area, he would support this request.

Mayor Poston stated that the City Council was the highest court in the city for making decisions and voiced his concern about the daycare site as it was in the worst possible place for children that he could imagine.

MOTION TO APPROVE SU.05.0018 as recommended by the Department of Development Services staff and the Planning Commission with six stipulations as amended, that one bollard would be installed every four feet with one exit onto Manatee Avenue going west was made by Councilman Golden/Councilman Roff and carried 3-2 for approval with Vice Mayor Gallo and Councilwoman Barnebey in opposition.

LU.05.0021 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Stephen W. Thompson, Esq., agent for Bradenton Palm Terrace Apartments, LLC, owner, to amend the Land Use Atlas Designation to include the Wares Creek overlay exemption for the property located at 2309 Manatee Avenue West (Zoned P/R-1C)

SECOND READING OF PROPOSED ORDINANCE 2813

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO INCLUDE THE WARES CREEK OVERLAY EXEMPTION FOR THE PROPERTY LOCATED AT 2309 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

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

Stephen Thompson gave a brief summary of the request which was to extend the Wares Creek Overlay District as only half of the described property was currently in the overlay district. He stated that this property was currently owned by Bradenton Palm Terrace Apartments, LLC. He stated that the owners had plans to renovate these apartments and convert the rental apartments into condominium units. He stated that the owner occupants would have more of a commitment to keeping their units maintained.

Ricinda Perry, representing the Manatee Avenue West Apartments LLC, located at 2207 Manatee Avenue West, stated she had no objections but requested clarification as to whether the applicant was requesting only to expand the overlay district or was seeking rezoning. She asked about setbacks as her client's property was adjacent to the Bradenton Palm Terrace Apartments.

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

Tim Polk stated that the Department of Development Services staff and the Planning Commission recommended approval based on the Findings of Fact and Analysis of the proposed Atlas Amendment for the Wares' Creek Overlay Exemption.

Stephen Thompson confirmed that his client was not seeking rezoning, but wanted only to expand the Wares' Creek Overlay District.

MOTION TO APPROVE LU.05.0021 with Ordinance 2813 was made by Councilman Roff/Councilwoman Barnebey and carried 5-0 for approval.

CP.05.0010 WARD 5 NEIGHBORHOOD 7.02/8.03 MM

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, to change Future Land Use Designation from County Residential-6 to City-Residential-6 for property located at 2605 26th Avenue East.

RESOLUTION NO. 06-14

PUBLIC HEARING

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 CP.05.0010, MIXON FRUIT FARMS, INC.** AMENDING THE FUTURE LAND USE ELEMENT (FUTURE LAND USE MAP); PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Denise Greer, of King Engineering displayed a site plan of the property and requested that the Comprehensive Plan amendment be changed from County Residential 6 to City Residential 6 and then be forwarded to the Department of Community Affairs (DCA).

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

Tim Polk gave the Department of Development Services staff report with the recommendation for approval by the Department of Development Services staff and the Planning Commission of CP.05.0010 and LU.05.0022 based on the Findings of Fact and that the request be consistent with the City's Comprehensive Plan with the addition of the following recommendation to Neighborhood 7.02(B) in the Future Land Use Element:

- *New development south of 13th Avenue shall be generally based on best Traditional Neighborhood Development/Design (TND) principles and practices.*

The word "generally" was added by the Planning Commission.)

Mayor Poston stated that the City wanted this project to look like a part of the city with an urban design and not like a basic typical suburban subdivision as found throughout the county.

Tim Polk explained that the word "generally" meant that certain issues such as roadway widths, landscaping, architectural design and density would be negotiated.

Tim Polk explained that a Traditional Neighborhood Development/Design (TND) was a more pedestrian-oriented neighborhood which encouraged walking, and had density designed into a project.

General discussion regarding what the Council wanted regarding affordable housing.

MOTION TO APPROVE CP.05.0010, RESOLUTION 06-14 as recommended by the Department of Development Services staff and Planning Commission with the additional language made by the Planning Commission was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

CP.05.0012 WARD 4 NEIGHBORHOOD 20.03 RS

Request of Marcus Helmuth and David McNabb, White Oak Development, Ltd., agent for Steven, Tonya and Johnny Rice, owners, to change Future Land Use Designation from County Res-6 to City Res-6 for property located at 5050 1st Avenue East.

RESOLUTION NO. 06-15

PUBLIC HEARING

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 CP.05.0012, WHITE OAK DEVELOPMENT**, AMENDING THE FUTURE LAND USE ELEMENT (FUTURE LAND USE MAP); PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Stephen Thompson, representing the applicant stated this request was part of the process to change the City land use classification from County Residential 6 to City Residential 6.

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

Tim Polk gave the Department of Development Services staff report with the recommendation for approval by the staff and the Planning Commission of CPA.05.0012 and LU.05.0024 based on the Findings of Fact as stated, and the request being consistent with the City's Comprehensive Plan.

MOTION TO APPROVE CP.05.0012, RESOLUTION 06-15 as recommended by the Department of Development Services staff and the Planning Commission was made by Councilman Smith/Councilwoman Barnebey and carried 5-0 for approval.

CP.05.0007 WARDS 3 & 5 NEIGHBORHOODS 1.03/1.04, 6.01, 6.02 MM

Request of City of Bradenton for Large Scale Comprehensive Plan Amendment Application to change Future Land Use Designation from Commercial, Res-10 and Res-15 to Urban Village for property located on Tamiami Trail from approximately 9th Avenue West to 18th Avenue West between 13th Street West and 15th Street West and make policy changes to the Future Land Use and Housing Elements relating to desired uses, density and intensity limits, moderate income housing incentives, establishment of design guidelines and architectural controls in the Urban Village and Urban Central Business District and incorporating as a reference the Tamiami Trail Revitalization Strategy and amend the Capital Improvement Element to incorporate changes of scheduled public facilities.

RESOLUTION NO. 06-16

PUBLIC HEARING

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 CP.05.0007, CITY OF BRADENTON** AMENDING TEXT FOR THE FUTURE LAND USE ELEMENT (FUTURE LAND USE MAP); AND HOUSING ELEMENTS PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Matt McLachlan, Assistant Director Department of Development Services, gave an informative, detailed report and displayed a PowerPoint presentation of the proposed amendments relating to the Urban Central Business District and Creation of an Urban Village on Tamiami Trail.

He stated that the amendments were based on the recommendations contained in the Tamiami Trail Revitalization Strategy, previously adopted by City Council on October 12, 2005. He stated the recommendations created a new land use category and changed the future Land Use Development Regulation of certain land from Commercial Residential - 10 and Residential - 15 to Urban Village. He gave a brief description of map 4, that would redefine the Urban Central Business District (UCBD) and create a new mixed-use land use category along the north section of the Tamiami Trail termed "Urban Village".

Bill Theroux, Downtown Development Authority Executive Director, gave a brief report on the anticipated development and redevelopment in the Downtown Urban Core.

Mr. McLachlan stated that the community was in support of the changes and recommended approval of the request.

Questions were asked and answers given regarding the proposed land use amendments on market trends, and downtown traffic flow.

Those to speak in favor or opposition, come forward.

Ken Williamson, downtown property owner, stated that he highly recommended the project and voiced his opinion that there was a need to change the traffic flow in the downtown area.

Scott Hahlen, 1416 14th Avenue West, voiced his concern on the density, as he did not want to see skyscrapers in the downtown area.

Ruth Hess, property owner on 15th Street West, voiced her concern as to how would this affect her property.

Mr. McLachlan stated that her property would be protected and would benefit by the amendments.

The public hearing was closed.

Tim Polk stated that the Department of Development Services staff and Planning Commission recommended approval of the request to create an Urban Central Business District and an Urban Village on Tamiami Trail.

MOTION TO APPROVE CP.05.0007, Resolution 06-16 as recommended by the Department of Development Services staff and the Planning Commission was made by Councilman Roff/Councilman Golden and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Major J.J. Lewis

FORFEITURE FUND

REQUESTED a \$5,000 expenditure to assist and support the efforts of Action of Manatee, Inc. for a midnight basketball program to be held in a safe environment for members of the community.

No discussion followed.

MOTION TO APPROVE the request for the \$5,000 expenditure was made by Councilwoman Barnebey/Councilman Golden and carried 5-0 for approval.

John Cumming

RESOLUTION 06-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA AUTHORIZING THE MAYOR OR VICE MAYOR TO EXECUTE AGREEMENTS FOR THE UPGRADE OF THE TRAFFIC SIGNALIZATION AT MANATEE AVENUE WEST (SR 64) AND 43RD STREET WEST, AND PROVIDING AN EFFECTIVE DATE.

Mr. Cumming distributed a Memorandum of Agreement which would accompany Resolution 06-21 to the Florida Department of Transportation (FDOT), and gave a brief report on the traffic signalization upgrades.

Discussion: Voice information signal at the intersections for the blind.

MOTION TO APPROVE Resolution 06-21 and the Memorandum of Agreement was made by Councilwoman Barnebey/Councilman Smith and carried 5-0 for approval.

CONTRACT FOR PROPERTY SALE AND PURCHASE

Mr. Cumming requested approval of the Contract for Sale and Purchase of property owned by Eunice Davis at 1412 10th Avenue East for the 10th Avenue drainage improvements.

He stated the purchase price of \$35,000 would be shared by the Central Community Redevelopment Agency, thus reimbursing the city 50% of the cost.

He stated that Manatee County has had the contract for three months and requested Councilman Golden to ask the Manatee County attorney why it was taking so long to review.

MOTION TO APPROVE the Contract for Property Sale and purchase of property owned by Eunice Davis was made by Councilman Golden/ Councilman Smith and carried 5-0 for approval.

MUTUAL AID AGREEMENT FOR UTILITIES

Mr. Cumming gave a brief overview of the Mutual Aid Agreement for Utilities which had been established to provide a method whereby water/wastewater utilities sustaining physical damage from natural or manmade disasters could obtain emergency assistance in the form of personnel, equipment, materials, and other necessary associated services from other water/wastewater utilities.

Mr. Cumming stated that due to the many past hurricanes this agreement would insure reimbursement by other City's should the City of Bradenton give volunteer aid.

MOTION TO APPROVE the Mutual Aid Agreement for Utilities was made by Councilman Golden/Councilman Smith and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Referred to a Memorandum dated January 20, 2006 regarding an Electrical Department Capital Purchase Subsidy to upgrade the proposed purchase of an aerial lift truck at a cost of \$75,000. He stated that after reviewing the upgraded aerial lift truck class, it was determined that a class upgrade to a cost of \$98,000 would be overall more cost efficient through the next 10 to 15 years. He stated that 90% of the additional cost could be made by eliminating window shutters for McKechnie Field.

RECOMMENDATION BY Mr. Callahan for a budget transfer of \$20,000 from McKechnie Field to the Electrical Department to allow for the purchase of the upgraded electrical truck.

No discussion followed.

MOTION TO APPROVE as recommended by Mr. Callahan was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Mayor Poston stated he had received a request from the Swat Team for a vehicle and suggested that Major Lewis look at Stark's salvage equipment.

Chuck Edwards: Nothing to report.

Staci Cross: Excused absence.

Carolyn Moore: Nothing to report.

Major J.J. Lewis: Nothing to report.

John Cumming: Informed Mayor Poston and the Council regarding the elimination of trees for the purpose of decreasing the median on State Road 64.

Mr. Cumming stated that new FDOT plans were to remove approximately 333 trees from the median landscape and to replace only 120 trees.

General discussion as to the city maintaining the trees until they could be reused or to sell the trees.

Carl Callahan and John Cumming would work with FDOT to see if an alternative plan could be devised to salvage some of the trees.

Discussion: To have Mayor Poston write another letter to FDOT about saving the trees.

Tim Polk: Nothing to report.

Bill Lisch: Excused absence.

Michelle Hall: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 8:17 p.m.

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