

**CITY COUNCIL MEETING
June 25, 2003**

**APPROVED BY
July 23, 2003
CITY COUNCIL**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on June 25, 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

Also Present: Carl Callahan, City Clerk and Treasurer
John Cumming, Public Works Director
William Lisch, City Attorney
Mark Souders, Fire Chief
Walt Watkins, Deputy Police Chief
Larry Frey, Development Services Director
Staci Cross, Information Technology Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Councilman James T. Golden was excused from the meeting.

Prayer was led by Vice Mayor Weaver.

Flag salute was led by Mayor Poston.

MINUTES:

Minutes for May 28, 2003.

No discussion followed.

MOTION to approve the May 28, 2003 minutes was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 4-0 for approval.

PROCLAMATION:

Mr. Callahan read the following:

NATIONAL HOMEOWNERSHIP MONTH

Lesa Ramos, Section 8 Housing Manager accepted the proclamation that declared June 2003 as "National Homeownership Month". She thanked Mayor Poston and the Council members for their support in helping to bring homeownership to the citizens of Bradenton.

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

PUBLIC COMMENTS:

Bill Edwards gave a brief synopsis of the history of the demolition issue associated with his building located at the corner of 13th Avenue and 9th Street West.

Mayor Poston stated that neither the Council members nor himself could not comment on this issue due to Mr. Edward's pending lawsuit with the City.

Mr. Edwards stated that his parking lot had been used as a staging area for some recent road maintenance and asked when the City would repair it.

ACTION: John Cumming stated he would review this issue.

Joe Mammina, Southern Parkway asked about a parking area to be placed on Dover Place near Prine School. He stated that the Prine School playground was closed during the summer months and asked if the City could inquire about whether the playground could be used to allow the neighborhood children to play there.

ACTION: John Cumming stated he would review this issue.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Nothing to report.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey stated that due to the recent death of a woman who participated in a "Toughman Contest" in Sarasota she asked if the Council would consider implementing a City policy that would not allow any type of event similar to the "Toughman Contest".

Mayor Poston stated this could be done administratively.

Councilwoman Barnebey asked if the Council would consider prohibiting roadside firework sales and/or illegal fireworks in the City due to some of the recent events in her ward.

ACTION: Bill Lisch stated he would review and draft an ordinance regarding this issue.

Vice-Mayor Michele Weaver, Ward III

Nothing to report.

Councilman Bemis Smith, Ward IV:

Councilman Smith congratulated Firefighter Ron Beach and Firefighter Eric Center for their recent promotions.

Councilman James Golden, Ward V:

Excused absence.

Mayor Poston:

Mayor Poston announced that the Bradenton Police Department had been awarded a full accreditation from the Commission of Florida Law Enforcement. Mayor Poston stated that the determined compliance totaled two hundred and seventy-six standards of excellence. Mayor Poston stated that only thirty percent of police departments across the state were accredited.

Mayor Poston stated the Bradenton Police Department was also awarded recognition by the Commission on Accreditation for Law Enforcement nationally. He stated that this was the first step for National Accreditation to which only sixteen percent of police agencies across the United States were accredited.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

A-03-02 WARD 4 NEIGHBORHOOD 20.0
SECOND READING OF AN ORDINANCE

PUBLIC HEARING

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 415 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

Mr. Callahan stated that due to improper advertisement this issue had to be advertised again as a public hearing.

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

Steven Thompson, representing the Aurora Foundation stated that this request met all of the City's requirements standards and did not create an enclave. He requested approval of the annexation.

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

Julie Castaneda, 323 48th Street Court East and **Karen Brace**, 411 48th Street Court East voiced their opposition stating that this property had many environmental concerns regarding wetlands and endangered animals species. They had concerns for increased traffic on 48th Street Court East, that the development would be multi-family units and also raised concerns about coastal evacuation.

(Tape 1, side 2)

Mayor Poston closed the public hearing.

Steve Thompson, in rebuttal, stated that the applicant would meet all City code requirements and that the City had similar environment protection regulations with the Southwest Florida Water Management District which provided protection for environmental issues. He stated that once the plan was created the road improvements would then be addressed and would come forth to City Council to consider those issues at that time.

Mayor Poston commented that the City had been working closely with Manatee County and with Developer Ken Keating to participate with paving 48th Street Court East.

Larry Frey stated that the annexation consisted of 75 acres and was reviewed by the Joint Planning Committee-JPC. He stated that the JPC had no objections but had concerns regarding the access of the property on 48th Street Court East. He stated that any development planned for this property would have to be single family dwellings.

He stated that the Planning Staff recommended approval with **one stipulation**.

1. That the annexed property shall not become exempt from the City of Bradenton ad valorem taxes and no exemption from such taxes shall be applied for.

MOTION to approve the annexation request with one stipulation was made by Councilman Smith, seconded by Vice Mayor Weaver and carried 4-0 for approval.

Mayor Poston stated that he received a letter from the Manatee County Board of Commissioners Chairman Jonathan Bruce. He quoted a paragraph from the letter:

“In paragraph 6 of the Accord, where our mutual plans to pursue approval of a one-half cent sales tax were set forth, it was also provided that your cities would continue to abide by paragraph 4.B. at least until May 31, 2003, when the outcome of the sales tax situation would be known.” (Paragraph 4.B, dealt with annexations considerations, including intergovernmental coordination, compatibility, density limits height consideration and impact fee equivalency.) Now that May 31, 2003, has come and gone without a sales tax referendum, it seems appropriate to express Manatee County’s intent to continue to work together with the City of Bradenton and the City of Palmetto in the spirit of the Accord, abiding by its provisions in all respects. It is our hope that you will concur and that the City of Bradenton and the City of Palmetto will also continue to abide by the Accord.”

No discussion followed.

Mayor Poston requested the Council to approve the content of the letter and to abide by the “Accord” was made by Councilman Gallo, seconded Vice Mayor Weaver and carried 4-0 for approval.

Mr. Callahan read the following:

M-CPA-02-10 WARD 2

SECOND READING OF AN ORDINANCE

PUBLIC HEARING

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

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 2436, AS AMENDED BY ORDINANCE 2619; PERTAINING TO PROPERTY LOCATED AT 315 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 (EPISCOPAL DAY PRIVATE SCHOOL, M-CPA-02-10); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Mayor Poston closed the public hearing.

Larry Frey stated that this request would include the recreational area of the St. Stephens Episcopal Private School consisting of twenty-three acres.

He stated that the Planning Staff recommended Residential 10 which was similar to the surrounding property in the City.

He stated that the Manatee County Planning Staff recommended applying Residential 6.

Discussion: Residential 10 versus residential 6 with creating an irregular future land use designation.

MOTION to approve the ordinance as Residential 6 and not Residential 10 was made by Councilwoman Barnebey, seconded by Councilman Gallo and carried 4-0 for approval.

Mr. Callahan read the following:

**M-CPA-02-14 SECOND READING OF AN ORDINANCE PUBLIC HEARING
Request of the City of Bradenton for adoption of a Comprehensive Plan text amendment as it relates to transfer of density in the Future Land Use.**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 2436, AS AMENDED BY ORDINANCE 2619; PERTAINING TO TEXT AMENDMENTS 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, M-CPA-02-14); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Mayor Poston closed the public hearing.

Larry Frey stated that this request was for amendment one in the comprehensive plan text amendments. He stated the other three amendments had been withdrawn and would be heard at a later date. He stated that the Planning Staff and the Planning Commission recommended approval of this amendment.

(Councilman Gallo excited the Chambers.)

MOTION to approve the ordinance was made by Vice Mayor Weaver, seconded by Councilman Smith and carried 3-0 for approval. (Councilman Gallo was absent during the vote.)

(Councilman Gallo entered the Chambers.)

Mr. Callahan read the following:

SECOND READING OF AN ORDINANCE PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, MANATEE COUNTY, FLORIDA, RELATING TO HOUSING ASSISTANCE, GRANTS AND RELATED MATTERS; PROVIDING FOR THE CREATION OF A GRANTS AND ASSISTANCE COMMUNITY RELATIONS BOARD; (GACRB); PROVIDING THAT SUCH GACRB ASSUME THE DUTIES OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE ESTABLISHED BY SECTION 46-62 OF THE CODE OF ORDINANCES; PROVIDING THAT SUCH GACRB ASSUME THE DUTIES OF THE COMMUNITIES RELATIONS BOARD CREATED PURSUANT TO THE PROVISIONS OF CHAPTER 2, ARTICLE VII, DIVISION 3, OF THE CODE OF ORDINANCES FOR THE CITY OF BRADENTON; PROVIDING FOR APPOINTMENT OF MEMBERS; PROVIDING FOR TERMS OF BOARD MEMBERS; PROVIDING AN EFFECTIVE DATE.

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

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

Mayor Poston closed the public hearing.

Larry Frey stated that this ordinance created a new board to accommodate several outstanding boards and combining them into one board. He stated that the Planning Staff recommended approval of the request.

No discussion followed.

MOTION to approve the ordinance was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Mr. Callahan read the following:

RV-03-02 WARD 4 NEIGHBORHOOD 7.03 RS RESOLUTION & PUBLIC HEARING
Request of Chuck Mincey and Vince Arrigo, property owners, for vacation of right of way of a portion of Riverside Drive between 10th Street East and 12th Street East, and 11th Street East, 12th Street East, and a 12 foot wide alley north of 2nd Avenue East.

P-PDP-03-01 WARD 4 NEIGHBORHOOD 7.03 RS PUBLIC HEARING
Request of Chuck Mincey and Vince Arrigo, property owners, for preliminary Planned Development Project Approval for a 26 unit riverfront development to be located at 1100 Riverside Drive East. (Zoned PDP)

P-S-03-01 WARD 4 NEIGHBORHOOD 7.03 RS PUBLIC HEARING
Request of Chuck Mincey and Vince Arrigo, property owners, for preliminary Subdivision Approval for a 26 lot riverfront development to be located at 1100 Riverside Drive East. (Zoned PDP)

Councilwoman Barnebey stated she could not participate in this issue due to a conflict of interest as her husband Mark Barnebey represented the applicants.

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

Mark Barnebey, representing the applicants gave a brief overview of a vacation of right-of-way, a Preliminary Planned Development Project and site plan for a high quality development to be located in the "Old Manatee Neighborhood".

(Tape 2, side 1)

Lynn Townsend, Lynn Townsend and Associates, P.L. displayed renderings and gave an overview of the site plan, proposed building design and landscaping plans.

Questions concerning access, sidewalks, proposed building design and property values were asked by Council and answered by the applicant.

Fred Clark, 102 14th Street East, **Gus Sokos**, 1619 1st Avenue East, **Jackie and Les Atwood**, 1010 Riverside Drive East, **Mary Shultis**, 1302 2nd Avenue East, **John Oakley**, 1616 Pt. Pleasant, **Della Brown**, 318 12th Street East, ***(Tape 2, side 2)*** (Discussion: Fire truck turn around.) **Greg Arnold**, 1008 Riverside Drive East, **Debbie Bottlelit**, 306 11th Street East and **Patrick McGuire**, 1016 2nd Avenue East voiced their approval for the development stating that this was the start for revitalization, economic impact and infrastructure improvements for the neighborhood. That the development would be taking away crime, vandalism, slum and blight in the neighborhood.

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

Trudy Williams, 322 14th Street East voiced her opposition regarding environmental coastal land issues and that the proposed development should be placed as a historical and archeological site.

Diane Weldon, 1212 2nd Avenue East voiced her concern for increased traffic, hurricane evacuation and safety access.

Mayor Poston closed the public hearing.

Larry Frey gave a general overview of the vacation and development site. He stated that the Planning Staff and Planning Commission gave their approval for all three items with final conditions and stipulations. He commented that the staff would not consider the archeological value on a piece of property that had been previously been developed and disturbed.

Lengthy discussion: Consideration of numerous stipulations.

(Tape 3, side 1)

Ken McDonald, 1002 Riverside Drive East had concerns with vacating the right-of-way for the three neighbors next to the proposed development and stated that if the vacation was allowed then the neighbors including his property on the other side should be allowed to vacate also.

The Planning Staff recommendations for the following **stipulations** with changes for **RV-03-02 vacation of right-of-way** are as follows:

1. Prior to recording the Resolution of Vacation, easements would be dedicated to the City of Bradenton for any and all public utilities.
2. Prior to recording the Resolution of Vacation, letters of approval of construction from affected utility companies would be submitted.
3. *(Modified)* This vacation was contingent upon the City Council receiving written assurances acceptable to it that the right-of-way vacation would not be effective or would be reversed if PDP-03-01 was not approved and implemented. Upon receiving such written assurances this stipulation shall be removed.
4. *(Deleted)* ~~If landowners to the west do not receive approval to vacate the right of way to 10th Street East, this vacation approval becomes null and void.~~

MOTION to approve RV-03-02 for the vacation of right-of-way with three stipulations was made by Councilman Smith, seconded by Councilman Gallo and carried 3-0 for approval.

The Planning Staff recommendations for the following **stipulations** with additions and changes for **P-PDP-03-01 preliminary Planned Development Project** are as follows:

1. Protective covenants would be provided prior to recording of the subdivision plat that requires a homeowner's association to protect and maintain common property.
2. The applicant would contribute \$1,000 per lot to the Downtown Development Authority to be used in part for waterfront enhancements and piers as appropriate to the Manatee River. The full \$26,000 would be paid to the DDA upon the closing of the first lot.
3. *(Modified)* The propose dock would comply with all Department of Environmental Protection and/or Southwest Florida Water Management District and Army Corp of Engineers regulations regarding length, specific location, and signage and would require additional City Council approval through the PDP amendment process.
4. Proposed protective covenants would indicate that the southernmost lots for which Second Avenue East serves as the rear yard would not be permitted to have accessory structures including, but not limited to, pools, sheds, freestanding garages or carports.
5. Setbacks for the single-family homes would be consistent with those indicated on the building footprint of the preliminary site plan identified as Exhibit "I".
6. Gates would be electronically controlled meeting Fire Department and Public Works approval.
7. The applicant would dedicate five feet of additional right-of-way for the south side of Second Avenue East along the property line.
8. Second Avenue East along the applicant property line would be paved to a 24-foot road width and shall include an additional 3 foot bike lane.
9. The proposed fence shall be decorative wrought iron or aluminum picket.
10. The second Avenue East link from Tenth Street Court East to Eleventh Street East shall be constructed and such construction shall be approved by Public Works prior to the closing of Riverside Drive.
11. The lift station relocation would be completed prior to the issuance of any Certificates of Occupancy.

12. Developers must dedicate land for the lift station as required by the City.
13. The west retention pond shall be fenced.

MOTION to approve P-PDP-03-01 preliminary Planned Development Project with thirteen stipulations was made by Councilman Smith, seconded by Councilman Gallo and carried 3-0 for approval.

The following **stipulation** for **P-S-03-01 preliminary Subdivision**:

1. That protective covenants would be provided prior to recording of the subdivision plat that requires a homeowners association to protect and maintain common property.

MOTION to approve P-S-03-01 for preliminary Subdivision with one stipulation was made by Councilman Smith, seconded by Councilman Gallo and carried 3-0 for approval.

Mr. Callahan read the following:

A request by William Worrell of Westminster Services for approval to install a sign on the City right-of-way in the island at 4th Avenue Drive West and 15th Street West.

Lucretia Hess, West Coast Regional Director gave a brief description to install a directional sign on the City median on 4th Street near 15th Street West. She stated that they would maintain the sign.

Discussion: To have the Public Works Department review the detailed plan before installation.

MOTION to approve the request pending Public Works approval of the plan was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 4-0 for approval.

Mr. Callahan read the following:

A-03-03 WARD 1 FIRST READING OF AN ORDINANCE
An Ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 6218 Cortez Road West and legally described.

No discussion followed.

MOTION to approve the first reading and set the second reading and public hearing for July 23, 2003 was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 4-0 for approval.

Mr. Callahan read the following:

A-03-04 WARD 4 FIRST READING OF AN ORDINANCE
An Ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 5012 State Road 64 East and legally described.

No discussion followed.

MOTION to approve the first reading and set the second reading and public hearing for July 23, 2003 was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 4-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

Manatee High School Coach Tom Orehowsky is requesting a portion of the 33rd Avenue Drive West road through G.T. Bray Park, from 51st Street West to the Baseball Complex be closed to traffic from 7:45 AM to 8:15 AM on Monday, September 1, 2003 for the Canes Cross Country Classic.

No discussion followed.

MOTION to approve the request was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Larry Frey

Mooring of Boats

Larry Frey gave a brief description of a proposed ordinance regarding the Mooring of Boats and stated that the ordinance would be forthcoming at a future Council meeting.

Mark Souders

Control Burn Request, 323 15th St. Ct. W.

No discussion followed.

MOTION to approve the request was made by Vice Mayor Weaver, seconded by Councilman Smith and carried 4-0 for approval.

Mr. Callahan read the following:

A RESOLUTION APPOINTING REGULAR MEMBERS AND ALTERNATE MEMBERS TO THE PLANNING COMMISSION FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING THEIR TERMS.

Jerry N. Zoller, Diane Barcus, Dennis L. Waik, Richard D. Barnhill, Donald A. Surface, John Y. Hanson and Harry D. Tally.

No discussion followed.

MOTION to approve the resolution was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 4-0 for approval.

DEPARTMENT HEADS:

Carl Callahan

Nothing to report.

Chief Souders

Nothing to report.

Staci Cross

Nothing to report.

Deputy Chief Watkins

Deputy Chief Watkins stated that three hundred and sixty-one guns were recovered after thirty-six days of the Gun Buy Back Program.

John Cumming

John Cumming gave a brief report on the street flooding improvements in various areas of the City after the large amount of rain received this past week.

(Tape 3, side 2)

Larry Frey

Nothing to report.

Bill Lisch

Mr. Lisch stated that the City was in the process to acquire a parcel of property from CSX on 5th Street East.

Request to finalize the closing for the CSX 5th Street parcel and to authorize execution of the deed.

No discussion followed.

MOTION to approve the request was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 4-0 for approval.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:50 p.m.

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