

**CITY COUNCIL MEETING
June 11, 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 11, 2003 at 8:30 a.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
Councilman Ward V James T. Golden

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

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Vice Mayor Weaver.

Prayer was led by Reverend Jeff Klingenberg, Bradenton Christian Reformed Church.

Flag salute was led by Councilwoman Barnebey.

MINUTES:

Minutes for Approval of Minutes for May 14, 2003.

No discussion followed.

Motion to approve the May 14, 2003 minutes was made by Councilwoman Barnebey, seconded by Councilman Smith and carried 4-0 for approval.
(Councilman Golden was not present.)

PROCLAMATION:

Carl Callahan read the following:

NATIONAL SMALL CITIES AND TOWNS DAY

Mr. Callahan read the proclamation proclaiming Friday, June 20, 2003 as "National Small Cities and Towns Day".

PRESENTATION:

BRADENTON POLICE DEPARTMENT TWENTY YEAR SERVICE AWARD

Chief Radzilowski presented an award plaque to **Sergeant Timothy Holleran** and congratulated him for twenty years of service to the Bradenton Police Department.

PUBLIC WORKS EMPLOYEE OF THE MONTH

John Ormando congratulated **Tom Cooper**, in the Parks Department as the “Employee of the Month” and congratulated Mr. Cooper for his twenty-five years of service to the City of Bradenton.

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

PUBLIC COMMENTS:

Jerry Nelson, 4119 2nd Avenue East distributed invitations to the Council members and Department Heads inviting them to attend the “Juneteeth” Celebration which would take place June 20th and 21st at the 13th Avenue Youth Center.

Noreen Roberts, 1925 Riverview Boulevard requested the Council to enact a law to protect the City of Bradenton’s waterways. She voiced her concerns regarding the time limit for vessels which were anchored off shore in the middle of the waterways and with people living on boats anchored to private docks.

Councilwoman Barnebey stated that she was currently reviewing this issue with the City Attorney Bill Lisch and stated that this issue would be forth coming to Council for discussion.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Nothing to report.

Councilwoman Marianne Barnebey, Ward II:

Nothing to report.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver stated that she had the opportunity to be a judge for the Get down Downtown event appropriately called the “Garage Band” contest.

Councilman Bemis Smith, Ward IV:

Councilman Smith reminded everyone of the Old Manatee Neighborhood Association meeting Thursday, June 12, 2003 at the Manatee United Methodist Church.

Councilman James Golden, Ward V:

Absent from the meeting.

Mayor Poston:

Excused absence.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

SE-03-04 WARD 5 NEIGHBORHOOD 1.01 RS PUBLIC HEARING
Request of Ernie Padgett for Manatee County, property owner, for Special Exception Approval for a Judicial Center to be located at 515 11th Street West. (Zoned C-1)

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

Dave Rothfuss, Chief Assistant County Administrator requested a renovation for the Public Safety Complex which would allow aesthetic improvements and modification to the exterior of the complex. He also requested to construct a nine story Judicial Center on the site of the existing Public Safety Complex parking deck.

Duncan Broyd, Senior Vice President of Hellmuth, Obata & Kassabaum, Inc. the Architect Engineering Design Firm for the project displayed renderings and gave a brief overview of the design and the components of the project.

(Councilman Golden enters the Chambers.)

Questions were asked and answers given.

(Tape 1, side 2)

John Moody, Swan Moody and Associates, **Rick Fawley**, Fawley Bryant Architects and **Ernie Padgett**, Manatee County Attorney answered questions regarding the landscaping, expansion of the courtrooms and memorial gardens.

Bill Theroux, Director of the Downtown Development Authority-DDA stated that the DDA Board supported the existing plan as presented.

Dave Rothfuss stated the terms of the INS Agreement was indefinite and that it had a sixty day termination provision on the part of either party.

Councilman Gallo listed the following agencies or organizations who were opposed to housing the INS Detention Center downtown: The Judicial Committee, Downtown Development Authority, Manatee Chamber of Commerce, Manatee County Clerk of Court, the Judges and the Legal Bar.

Councilman Gallo voiced his opposition to keep the INS Detention Center housed downtown in the same building as the Judicial Center. He voiced his concern for a possible threat with housing terrorists in this building and stated he would not be supporting this request.

(Tape 2, side 1)

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

County Judge George Brown asked that the Council vote no to this request because he did not believe that other options had been pursued. He listed the Montgomery Roberts property on the corner of Manatee Avenue West and 13th Street. He voiced his concern for the high cost to renovate the existing building versus the cost for a new complex on a different site.

Dave Wilcox, 3202 Riverview Boulevard voiced his opposition to build a façade around the existing inferior building. He stated not enough consideration had been given to building an entire new complex.

Ernie Padgett discussed the existing agreement with the INS Detention Center and commented on the possibility of a new INS facility by Port Manatee.

Richard Nelson, First United Methodist Pastor, 603 11th Street West, **Trudy Williams**, Bradenton resident and **Dan O'Connell**, Bradenton resident voiced their opposition in the decision making for the location, lack of pursuing a new complex on the existing site or somewhere else, extreme costs for renovating the existing inferior building. They commented on safety concerns should the INS stay in the downtown building. They stated that key City and County officials voiced their opposition but were ignored. They requested to table the request and asked for more public input.

Earl Baden, Attorney at Law stated he was neutral with the decision and stated that the proposed complex would work but he did not think it was a good decision.

(Tape 2, side 2)

Ernie Padgett and **Dave Rothfuss**, in rebuttal, stated that they represented the Board of Commissioners who voted not to demolish the existing building as they could not justify demolishing a 25 million dollar asset. They stated that this presentation today was a vehicle to cover an existing inferior building. They stated that the INS Detention Center had a good system and that Manatee County had a good working relationship with them. Mr. Padgett assured the Council that should there be a problem with a particular INS detainee they would not house them in the downtown facility.

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Staff and Planning Commission recommended approval of the special exception with **seven stipulations**.

Indicated in parenthesis italic those stipulations which were modified, deleted or added during the meeting are as follows:

1. The site plan (exhibit "L"), Design Concept (Exhibit "P") and phasing plan (Exhibit "R") are a part of this approval.
2. *(Modified)* The final loading, unloading and refuse collection design would require approval from the Public Works Department according to the alternative submitted.
3. Exact location of the water main relocation would be determined by the Department of Public Works.
4. The construction manager for the new facility would arrange for an off-site parking area out of downtown with a shuttle service for all construction workers.

5. *(Modified)* Any substantial deviations from the proposed architectural design for the Judicial Center shall require the approval of the City Council.
6. *(Modified)* All requirements of the Public Works Department and the Fire Department shall be indicated on the Final Master Site Plan.
(The Planning Commission added an additional stipulation which was deleted with a new # 7 added by the Planning Staff.)
7. Any major deviation as determined by the Administrative Official shall require approval by the Planning Commission and City Council.
8. *(Added)* Parking design and timing be approved prior to development permitting.

Three stipulations were *added* from discussion:

9. Any degradation of any public roadway would be corrected by Manatee County.
10. Street Closures shall be approved by the Public Works Department.
11. Should the INS contract be discontinued the downtown facility shall not be used to further house any prisoners, except for temporary use as a holding cell.

(Tape 3, side 1)

Councilman Golden stated that he would support this request.

Councilman Smith stated he would support the request but had some concerns with covering up the existing inferior building. He stated that he was comfortable the INS stipulation decision.

Councilwoman Barnebey stated that she would support the request though she was not happy with the full outcome of the decision.

Vice Mayor Weaver stated that she would support this request but stated that she was not happy with the current location of the INS Detention Center. She stated that should the Judicial Center not be built at this location and built somewhere else the INS facility would still be housed in this same building. She stated that the Council must base their vote on legal land use decisions.

Motion to approve the special exception request with eleven (11) stipulations was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-1 with Councilman Gallo in opposition.

(Lunch break at 11:45 a.m.)

(Reconvened at 1:00 p.m.)

Mr. Callahan read the following:

A-03-02 WARD 4/NEIGHBORHOOD 20.04
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.

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

Steven Thompson, attorney representing the Aurora Foundation gave a brief overview of the 74.6+ acre property and displayed renderings of the location of the property. He stated that the annexation would not create an enclave with the County. He stated that the intent was to develop a marketable development with proceeds supporting the Missionary Village. He stated that the Aurora Foundation would pay ad valorem taxes and would not seek any exemptions.

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

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Staff recommended approval of the annexation and stated that the existing Land Use designation was Residential 6. He stated that the City would apply to keep the designation as Residential 6 and that it was consistent with the Comprehensive Plan. He stated that the Joint Planning Committee reviewed the annexation with no objections.

Discussion: Concerns with paving 48th Street Court East which was a County road.

Steven Thompson stated that the Aurora Foundation would pave that portion of 48th Street Court East up to the project entrance way.

Discussion: Tax exempt on annexed property versus developed property.

To add a **stipulation** as follows: Whereas the applicant has stipulated and agreed that the annexed property upon development shall not be exempt from ad valorem taxes and until such development shall pay a fee equal to Fire District taxes.

Motion to approve the request with the one stipulation was made by Councilman Smith, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

E-SE-03-05 WARD 4 NEIGHBORHOOD 7.02B RS PUBLIC HEARING
Request of Leshia Brown, property owner, for Expansion of a Special Exception to increase capacity of an existing day care center located at 2118 15th Avenue East. (Zoned PDP\R-2B)

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

Beverly Burdett, Burdett and Associates, Landscape Architecture representative for Leshia Brown requested to expand a day care center to accommodate thirty children. She stated it would require a variance for one less parking space than required.

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

Vice Mayor Weaver closed the public hearing.

Discussion: The change to stipulation #2 from 30 days to 60 days which would give more time to replace the landscape.

Larry Frey stated that the Planning Staff and Planning Commission recommended approval with the following **two stipulations**:

1. The parking plan submitted (Exhibit "F") would be part of the approval.
2. *(Modified)* Landscape materials missing or in poor condition would be replaced within ~~(30)~~ 60 days of approval of this request.

Motion to approve the request with the two stipulations was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

SE-03-07 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING
Request of Robert M. Schmitt, AICP, Land Planning Associates, Inc., agent for Bonni Bakes Edible Art for a Special Exception for construction of a garden apartment on the property located at 930 12th Street West. (Zoned R-3B/VOAD)

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

Bonnie Bakes, applicant and **Robert Schmitt** gave a brief overview of the request which was located in the Village of the Arts.

(Tape 3, side 2)

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

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Staff recommended approval of the request with no stipulations.

Motion to approve the request was made by Councilman Golden, seconded Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

PDP-P-03-05 WARD 5 NEIGHBORHOOD 1.03/1.04 JB PUBLIC HEARING
Request of William DeSue of the Bradenton Housing Authority, owner, for approval of a preliminary Planned Development Project to be located 621 Martin Luther King Ave. West. (Zoned C-1\UCBD and R-3A\R-1D)

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

Rick Fawley, Fawley Bryant Architects, Inc. gave a brief overview and displayed renderings of the project to redevelop the subject site which was currently known as the Zoller Apartments. He stated that this proposed development was Phase II of the Hope VI project consisting of forty-eight townhouses for a total of one-hundred seventeen units.

William DeSue, Bradenton Housing Authority Executive Director stated that the project was a tax credit project and would be consistent with the Bradenton Village project. He stated that twenty-five of the units would be ACC-HUD subsidized units.

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

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Commission and the Planning Staff recommended approval of the request with the following **stipulation**:

1. The final approval of site utilities must be approved by Public Works. ~~prior to Planning Commission Final Approval.~~

Mr. Frey requested the following **two additional stipulations**:

2. No parking signs shall be installed by the developer in the interior parking areas.
3. The developer shall provide an ecstatic pleasing protective barrier system for public safety along Martin Luther King.

John Cumming requested stipulation one to be modified to read that the final site plan with details on utilities and dumpster location be approved by Public Works.

(Tape 4, side 1)

Jeff Burton, Planning Manager gave a brief synopsis of the request by the developer with setting precedence for parking.

Motion to approve the request with four stipulations was made by Councilman Golden, seconded by Councilman Gallo and carried 5-0 for approval.

Mr. Callahan read the following:

P-PDP-03-07 WARD 5 NEIGHBORHOOD 1.03/1.04 JB PUBLIC HEARING
Request of William B. DeSue of the Bradenton Housing Authority for the New Singletary Limited Partnership, owner for approval of a preliminary Planned Development Project to be located at 1214 3rd Street West. (Zoned R-3A\R-1D)

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

Rick Fawley, Fawley Bryant Architects, Inc. gave a brief overview of a proposed planned development project known as the Singletary neighborhood consisting of 1.78 acres to include seven townhouse units.

Ron Allen, NDC Construction answered questions regarding the various phases of the Hope VI project.

Discussion: To redesign and increase the parking spaces, if possible.

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

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Commission and the Planning Staff recommended approval with no stipulations.

Councilman Golden requested a **stipulation** to redesign the parking spaces to increase the amount of backyard space for site "L", if possible.

Motion to approve the request with the Planning Commission and the Planning Staff recommendation with one stipulation was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

M-CPA-02-10 WARD 2 FIRST READING OF AN ORDINANCE

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 Res 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.

No discussion followed.

Motion to accept the first reading and set the second reading and public hearing for June 25, 2003 was made by Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

M-CPA-02-14 FIRST READING OF AN ORDINANCE

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.

No discussion followed.

Motion to accept the first reading and set the second reading and public hearing for June 25, 2003 was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

PUBLIC SCHOOL FACILITY PLANNING AGREEMENT

Mr. Callahan requested approval of the Interlocal Agreement pertaining to common interest between the Manatee County School Board, Manatee County and the surrounding municipalities.

(Tape 4, side 2)

Larry Frey stated that this was a Florida Statute requirement to include the School Board, County and municipalities to address adequate school capacity. He requested approval of the May 20, 2003 Interlocal Agreement.

Councilwoman Barnebey stated she was advised by the City Attorney that she could vote on the Interlocal Agreement even though her husband was the attorney for the School Board.

Motion to approve the request was made by Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

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

No discussion followed.

Motion to approve the resolution was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.

Larry Frey

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

Larry Frey stated that this resolution cleared up any errata which needed to be corrected on various fees.

Motion to approve the resolution was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

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.

Councilman Golden voiced his concern regarding the board members who serve on the board and stated that some did not live near affordable housing.

Motion to accept the first reading and set the second reading and public hearing for June 25, 2003 was made by Councilman Golden, seconded by Councilman Gallo and carried 5-0 for approval.

Chief Radzilowski

FORFEITURE FUND

Chief Radzilowski requested \$5,000 expenditure to purchase gift certificates for the *Gun Buy Back Program*.

Chief Radzilowski stated that 15 percent of the Forfeiture Fund was required to be spent to support crime prevention programs. He requested that \$15,000 be used to support the Ward Temple Summer Community Outreach Program of Enrichment (SCOPE).

Councilman Golden, Pastor of the Ward Temple Church stated that the SCOPE program offered many enrichment experiences to the children in the surrounding area for them to become involved in positive activities that would serve the community and our crime prevention goals. He requested approval from the Council to support this worthy cause.

No discussion followed.

Motion to approve the two Forfeiture Funds request was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 5-0 for approval.

John Cumming

STAR GAS STATION REPORT

John Cumming gave a brief report on the gas station site located on 14th Street and 21st Avenue West.

Discussion: Cost on various fence designs.

Motion to authorize Public Works to purchase a chain linked fence to encompass the property and paint it green was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 5-0 for approval.

DEPARTMENT HEADS:

Staci Cross

Staci Cross stated that the Eden system in Development Services was started and should be implemented sometime in September.

Matt Keller

Nothing to report.

Carl Callahan

Carl Callahan requested approval of the **Pine Island Interlocal Agreement** and stated that this agreement would finalize the purchase of Pine Island with the Southwest Florida Water Management District.

Bill Lisch stated that Manatee County had approved the Management Agreement and would be the managers of Pine Island.

No discussion followed.

Motion to approve the Mayor to sign the Pine Island agreement was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Chief Radzilowski

Chief Radzilowski announced that all the firearms which were collected in the *Gun Buy Back Program* would be on displayed in the City Hall Lobby on Friday.

John Cumming

John Cumming stated that he had attended a concept design meeting with the Department of Transportation regarding the Manatee Avenue Project with positive results.

Councilman Golden requested "NO THROUGH TRAFFIC FOR TRUCKS" signs posted on Martin Luther King from 10th Street East to 15th Street East.

Discussion: To check with the Safety Committee to justify this request before pursuing and to report back to the Council of their findings.

Larry Frey

Larry Frey stated that the Monk Building had submitted redesign plans.

Bill Lisch

Nothing to report.

Jeff Burton reported that the owner of the Doss property had been notified to request a meeting regarding illegal parking on his property. He stated he would report back to the Council regarding this issue.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 3:45 p.m.

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