

**CITY COUNCIL MEETING  
December 15, 2010**

**APPROVED BY  
January 12, 2011  
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 December 15, 2010 at 8:30 a.m.

**Present:** Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Vice Mayor and Councilman Ward V Harold E. Byrd, Jr.

**City Officials:** Carl Callahan, City Clerk and Treasurer/Chief of Staff; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Tim Polk, Department of Planning and Community Development Director; and Carolyn Moore, Human Resources Director.

The meeting was called to order by Mayor Poston.

Ecumenical invocation was led by Jason Golden, Fellowship of Christian Athletes, Lakewood Ranch.

Pledge of Allegiance was led by Mayor Poston.

Staci Cross, Information Technology Director and Michael Radzilowski, Police Chief were excused from the meeting.

First grade students from St. Stephen's Episcopal School made their annual visit to City Hall to sing Christmas carols. They sang in the City Hall lobby before opening the Council meeting with a favorite Christmas carols.

### PRESENTATIONS

**"Regional Rowing Update" by Paul Blacketter, Benderson Development and Dave Gustafson, Manatee County Government.**

A PowerPoint presentation was given on the Master Concept Plan for the "Nathan Benderson Park Aquatic and Nature Center and Long Course Rowing Facility." They spoke on the economic benefits of having a rowing facility on the border between Manatee and Sarasota counties with easy access off of I-75. Future plans were to host Olympic sprint races and world class regattas. High school students would also be encouraged to use the training facilities. They spoke of the possibilities in using the Manatee River and Ft. Hamer Park for future regattas.

*Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.*

### CITIZEN COMMENTS

No one came forward.

### CONSENT AGENDA

- a) Minutes of November 17, 2010.
- b) Resolution 10-61 Appointment of **Bob Baublitz** to the Police Pension Board.
- c) Resolution 10-62 Adopting CDBG/CAPER 5-1-09 to 9-30-10.
- d) Resolution 10-63 Analysis of Impediments to Fair Housing update.
- e) Resolution 10-64 Reappointments of **James Miller, Jr.** & **Gregory Green** to the Downtown Development Authority.
- f) EECBG Grant Award Amendment.
- g) Farmers' Market expansion on Old Main Street down to 3<sup>rd</sup> Avenue West.
- h) Reels at Rossi – 2011 Season beginning 01-21-11 to 12-17-11, 3<sup>rd</sup> Friday each month.
- i) Falcon Run – Saturday, Feb. 5, 2011 requested by St. Stephen's School.
- j) Pittsburgh Pirates Pep Rally on Old Main Street – Saturday, Feb. 19, 2011.

**MOTION TO APPROVE the Consent Agenda Items a – j was made by Councilwoman Barnebey, seconded by Councilman Gallo and passed 5-0 for approval.**

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**SU.10.0082 WARD 3 NEIGHBORHOOD 1.01 RS PUBLIC HEARING**

Request of Thomas Stynes, agent for James M. Wallace, owner, for special use approval to operate a lounge at 302 12<sup>th</sup> Street West (Old Main Street) zoned UC, Urban Core.

The public hearing was opened; those in favor of the request please come forward.

The following were in favor of the request: **Thomas Stynes**, applicant and current owner of Rasher Tierney's Irish Pub on 14<sup>th</sup> Street, **Ken Holmes**, partner, **Mary Marsh Lasseter**, architect, **Robert E. Greene**, and **Ben Bakker**. Each attested that Mr. Stynes ran a well organized, clean operation and was an honorable man. Mr. Holmes stated the intention of the lounge was to bring to the downtown area an upscale Irish flavor with an eclectic appeal and entertainment. There would be zero tolerance of poor behavior. Small businesses continue to be the backbone of this country as well as the best means to revitalize downtown Bradenton.

Those in opposition to the request, please come forward.

The following were in opposition to the request: **Russ Kitchings**, representing First Baptist Church, **Steve Kastner**, **Doris Blattner**, **Phyllis Doucette**, **John C. Bregger**, and **Robert B. Condon**, representing Westminster Communities. Each voiced their concerns about having another bar on Old Main Street and giving the street a poor reputation of having many drinking establishments. They voiced concerns that alcohol caused unwelcomed behavior which caused unsafe conditions for those who live in the area. There was a need for more police protection.

Mayor Poston stated that the city had recently hired a full-time police officer to patrol the downtown area who would be constantly vigilant.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report as follows:

Staff recommendation approval of SU.10.0080 with the following 5 stipulations:

1. Maximum occupancy shall be determined by the Fire Marshal.
2. Prior to occupancy code compliance as required by the Building Official and Fire Marshal shall be completed.
3. Prior to occupancy the existing landscape areas would be upgraded, such upgrades to be approved by the Planning and Community Development Director. A landscape plan must be submitted with the building permit application
4. There would be no outdoor seating.
5. Entertainment would be limited to the interior of the facility.

Planning Commission Recommendation (November 15, 2010) for approval with the following 6 stipulations, and a recommendation that the proposed proprietor of the lounge meet with the residents of Westminster to assuage their fears:

1. Maximum occupancy shall be determined by the Fire Marshal.
2. Prior to occupancy code compliance as required by the Building Official and Fire Marshal shall be completed.
3. Prior to occupancy the existing landscape areas would be upgraded, such upgrades to be approved by the Planning and Community Development Director. A landscape plan must be submitted with the building permit application

4. There would be no outdoor seating.
5. Entertainment would be limited to the interior of the facility.
6. The dumpster would be sprinkled as specified on the site plan.

Councilwoman Barnebey stated she had concerns with the maximum occupancy noted by Fire Marshal Langston as being 40-45 people. She stated that Mr. Stynes' current lounge, "Rasher Tierney's Irish Pub" was a very popular larger lounge which held much more than 45 people. She state if a large crowd showed up at this facility it would not be good.

General discussion: The city would welcome a grocery store, more restaurants, dry cleaners, etc. but the current economy was driven by the private sectors. Currently there are not enough people in the downtown area to support these types of businesses.

More discussion: The Form-Base Code was researching standards to meet requirements of negative effects within the city, such as how many lounges could be in a specific area.

**Mike Kennedy**, Downtown Development Authority Executive Director gave a general overview of the goals for revitalizing downtown Bradenton He stated he believed that when the economy improved, development would return which would bring more people to the downtown area. With more people downtown this would then attract more businesses such as grocery stores. His opinion was to vote in favor of the request.

**MOTION TO APPROVE SU.10.0082 request of Thomas Stynes was made by Councilman Roff, seconded by Councilman Smith and passed 4-1 to approve with Councilwoman Barnebey in opposition.**

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

#### **CP.10.0029 TC**

#### **PUBLIC HEARING**

Request of the City of Bradenton for a Large Scale Comprehensive Plan Text Amendment to update the Public Schools Facilities Element and Capital Improvements Element.

#### **RESOLUTION 10-60**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, TRANSMITTING TO THE DEPARTMENT OF COMMUNITY AFFAIRS A PROPOSED (LARGE SCALE) AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN; MAKING CERTAIN FINDINGS OF FACT; AUTHORIZING TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT **APPLICATION CP.10.0029, CITY OF BRADENTON**, AMENDING THE FUTURE CAPITAL IMPROVEMENTS ELEMENT AND THE PUBLIC SCHOOLS FACILITY ELEMENT; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened; those in favor of the request please come forward.

**Tom Cookingham**, Planning and Community Development Assistant Director gave an overview of the annual text amendments required by the state with changes on school facilities which would change school classroom capacity.

Those in opposition to the request, please come forward, no one came forward.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with staff and Planning Commission recommendations for approval with 6 stipulations.

Councilwoman Barnebey stated her husband was the legal counselor for the Manatee County School Board and, therefore, abstained from voting.

**MOTION TO APPROVE CP.10.0029, Resolution 10-60 with the recommendations made by Planning and Community Development staff and the Planning Commission with six (6) stipulations was made by Councilman Roff, seconded by Vice Mayor and Councilman Byrd and passed 4-0 for approval. Councilwoman Barnebey abstained from voting.**

#### BUSINESS BY APPOINTMENT

**REQUEST OF Pine Lakes Heritage Civic Club to remove the existing subdivision signs and replace them with two new signs. Request to waive permit fees.**

**Karen Stewart**, Pine Lakes resident, gave an overview of the Pine Lakes community which had no Homeowners Association. She stated that the residents were proud of their community, but because of the current economy and having many foreclosures and short sales, she would have a hard time collecting the necessary \$3000 for the signs plus cost for permit fees. She requested the council to please consider waiving the permit fees or at least one of the two permit fees. She stated that revitalizing residential neighborhoods was as important as revitalizing businesses which was a driver for economic development.

Questions were asked and answers given on the irrigation of the medians and the \$225 cost of permit fees for each sign.

Councilman Gallo stated he would be glad to inspect the signs to help this community which just wanted to beautify its neighborhood.

General discussion were concerns about setting precedent for waiving fees. If a community wanted to improve their neighborhood then council should encourage them and consider waiving the fees.

**MOTION TO WAIVE the permit fees for two signs for the Pine Lakes Heritage Civic Club was made by Councilman Gallo, seconded by Councilman Roff and passed 5-0 for approval.**

#### COUNCIL REPORTS

**Councilman Gene Gallo, Ward I:** Nothing to report.

**Councilwoman Marianne Barnebey, Ward II:** Stated she had been contacted by a citizen who voiced concerns that the CSX train was blowing the whistle early in the morning. She stated she had discussed this issue with FDOT and they had suggested creating a possible "Quiet Zone" which could be constructed, but with a high cost of \$400,000-\$500,000. She again requested Mayor Poston to contact Tropicana to see if anything could be done to stop this early morning disruption.

Mayor Poston stated he would call Tropicana again.

Councilwoman Barnebey reported that Winter Wonderland had again been a huge success with an estimated attendance of 11,000 people. She thanked all the sponsors, agencies, organizations and individuals who had donated their time and assistance to make the making the family friendly event a great success.

**Councilman Patrick Roff, Ward III:** Stated the Army Corp of Engineers had selected a firm which was very "awardable." He had high hopes that the dredging of Wares Creek would begin by Spring, 2011.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Vice Mayor and Councilman Harold Byrd, Jr., Ward V:** Nothing to report.

**Mayor Wayne Poston:** Nothing to report.

Mayor Poston and the City Council wished everyone Happy Holidays and a Happy New Year.

#### DEPARTMENT HEADS

**Carl Callahan:** Nothing to report.

**Chief Souders:** Nothing to report.

**Staci Cross:** Excused from the meeting.

**Deputy Chief J.J. Lewis:** Nothing to report.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Thanked everyone for the expressions of sympathy on the loss of his father.

**Carolyn Moore:** Nothing to report.

#### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:00 a.m.

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