

CITY COUNCIL MEETING
October 26, 2005

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on October 26, 2005 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilwoman Ward III Michele Weaver; Vice Mayor and 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; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Ruth Seewer, Development Review Manager, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Mayor Poston introduced Elizabeth "Herring" Moseley as "Mayor for the Day."

Ecumenical invocation was led by Pastor India Dennis, Palma Sola Presbyterian Church.

Flag salute was led by Herring Moseley.

Staci Cross, Information Technology Director, was excused from the meeting.

APPROVAL OF MINUTES

APPROVAL OF MINUTES FOR SEPTEMBER 28, 2005.

No discussion followed.

MOTION TO APPROVE the September 28, 2005 minutes was made by Councilwoman Weaver/Vice Mayor Smith and carried 5-0 for approval.

APPROVAL OF MINUTES FOR OCTOBER 12, 2005.

Councilman Gallo abstained from voting due to his absence.

MOTION TO APPROVE the October 12, 2005 minutes was made by Councilwoman Weaver/Vice Mayor Smith and carried 4-0 for approval.

PROCLAMATIONS

FARM CITY WEEK PROCLAMATION – November 14 -19, 2005.

Earl Lucas and Ralph Garrison accepted the proclamation.

"FLORIDA ON THE MOVE" PROCLAMATION – November 5, 2005

Carolyn Moore accepted the proclamation.

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

CITIZEN COMMENTS

No one came forward.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Extended best wishes for a speedy recovery to Retired Firefighter, Wally Sobek, following his recent heart surgery.

Councilwoman Marianne Barnebey, Ward II: Announced that she attended a successful fund raiser for the Manatee Association of Retarded Citizens.

Councilwoman Barnebey announced that Crimestoppers would be holding their "Safe Halloween" alternative Trick or Treat activities in the Bradenton City Centre Auditorium on Monday, October 31, 2005.

Councilwoman Barnebey announced the Lewis Park Clean-up would be held on November 5, 2005.

Councilwoman Weaver, Ward III: Announced that we were again fortunate to have yet another hurricane miss the City of Bradenton.

Vice Mayor Bemis Smith, Ward IV: Stated that he attended the Olde Westfield Neighborhood Association barbeque and congratulated them on the large turnout.

Councilman James Golden, Ward V: Reminded everyone of the Tampa Bay Regional symposium in Tampa on Friday, October 28, 2005 to discuss affordable workforce housing.

Mayor Wayne Poston: Thanked all the emergency personnel both in the City as well as in the County for again being on stand-by alert as Hurricane Wilma approached the southwest gulf coast of Florida.

CONSENT AGENDA

FORFEITURE FUNDS EXPENDITURE

To purchase the following:

1. Kustom Signal laser unit Pro-Lite Plus, for use in the traffic unit for Speed/DUI and Drug interdiction by the new DUI enforcement unit. Approximate cost \$3,019.00.
2. Kustom Signal Digital Eyewitness DVD in-car camera system with Clear Comm. To be mounted in the DUI enforcement unit. Approximate cost \$5,824.00

RESOLUTION NO. 05-68 OF THE CITY COUNCIL OF BRADENTON, FLORIDA SUPPORTING MEALS ON WHEELS PLUS OF MANATEE, INC. IN MAKING APPLICATION TO THE STATE OF FLORIDA FOR ENTERPRISE ZONE TAX INCENTIVES.

MOTION TO APPROVE the Consent Agenda was made by Councilwoman Weaver/Councilman Golden and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

FIRST READING OF PROPOSED ORDINANCE 2799

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 407 48TH STREET COURT EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0009) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL 6 COUNTY TO RESIDENTIAL 6 CITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO ACCEPT the first reading and set the second reading and public hearing of proposed Ordinance 2799 for November 16, 2005 was made by Councilman Gallo/Vice Mayor Smith and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2800

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM COUNTY A-1 TO CITY PDP FOR THE PROPERTY LOCATED AT 407 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

MOTION TO ACCEPT the first reading and set the second reading and public hearing of proposed Ordinance 2800 for November 16, 2005 was made by Vice Mayor Smith/Councilwoman Weaver and carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE 2803

AN ORDINANCE RENEWING THE EXISTING FRANCHISE OF BRIGHT HOUSE NETWORKS, ITS SUCCESSORS AND ASSIGNS, INITIALLY GRANTED UNDER ORDINANCE NO. 2103, AS EXTENDED BY ORDINANCE NO. 2452, TO OCCUPY MUNICIPAL STREETS AND RIGHTS-OF-WAY IN THE CITY OF BRADENTON, FLORIDA AS A MEANS OF PROVIDING CABLE SERVICES, PROVIDING FOR THE AMENDMENT OF ORDINANCE NUMBERS 2103 AND 2452 IN THEIR ENTIRETY AND THE ADOPTION OF A NEW ORDINANCE PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE RENEWAL OF THE GRANT OF FRANCHISE; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISION; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO ACCEPT the first reading and set the second reading and public hearing of Ordinance 2803 for November 16, 2005 was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

AX.05.0011 WARD 2 NEIGHBORHOOD 5.01 RS

Request of John E. Wickman and Michael Wyckoff, owners of Wickman & Wyckoff, P.A. for annexation of 0.213 acres located at 4909 Manatee Avenue West.

PROPOSED ORDINANCE 2797 SECOND READING AND PUBLIC HEARING

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 4909 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

The public hearing was opened, those in favor, hearing none.

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

NEED FOR AMENDMENTS TO THE SIGN REGULATIONS

- 1. COMPLIANCE WITH OTHER LAWS**, TO ENSURE THE REGULATIONS AS THEY RELATE TO SIGNS ARE IN COMPLIANCE WITH ALL CONSTITUTIONAL AND OTHER LEGAL REQUIREMENTS.
- 2. PROHIBITIONS**, TO CONTINUE TO PROHIBIT CERTAIN SIGN TYPES.
- 3. SAFETY**, TO CONTINUE TO PROTECT THE SAFETY OF MOTORISTS, PEDESTRIANS AND OTHERS FROM DISTRACTION CAUSED BY SIGNS.
- 4. AESTHETICS**, SOME SIGNS, PARTICULARLY LARGE SIGNS, DETRACT FROM THE AESTHETIC BEAUTY OF THE LANDSCAPE, AND THE CITY WISHES TO PRESERVE THE BEAUTY OF THE CITY OF BRADENTON.
- 5. PUBLIC WELFARE**, THE REGULATIONS OF SIGNAGE FOR PURPOSES OF AESTHETICS HAS LONG BEEN RECOGNIZED AS ADVANCING THE PUBLIC WELFARE.
- 6. ECONOMIC WELL-BEING**, THE FLORIDA CONSTITUTION STATES THAT IT SHALL BE THE POLICY OF THE STATE TO CONSERVE AND PROTECT ITS SCENIC BEAUTY, AND THE CITY HAS DETERMINED THAT THIS ORDINANCE WILL ENHANCE THE ATTRACTIVENESS AND ECONOMIC WELL BEING OF THE CITY AS A PLACE TO LIVE, VISIT, AND CONDUCT BUSINESS.
- 7. TOURISM**, THE CITY RELIES HEAVILY ON TOURISM FOR ITS ECONOMIC STABILITY AND PRESERVATION OF THE CITY'S AESTHETIC BEAUTY WILL PROMOTE TOURISM BY ESTABLISHING A VISUAL ATTRACTIVENESS FOR THE CITY AND VISITOR TO THE CITY AND PROMOTING ITS GENERAL ECONOMIC AND CULTURAL DEVELOPMENT.
- 8. PORTABLE SIGNS**, THE CITY SEEKS TO CONTINUE TO PROHIBIT PORTABLE SIGNS AS IT REASONABLY ADVANCES THE GOVERNMENTAL GOAL OF PROTECTING THE AESTHETIC ENVIRONMENT OF THE CITY. THESE SIGNS FREQUENTLY HAVE FLASHING LIGHTS AND OTHER FEATURES MAKING THEM UNATTRACTIVE. THE SIGN REGULATIONS ALLOW FOR REASONABLE SIGNAGE FOR ALL PROPERTIES MAKING PORTABLE SIGNS UNNECESSARY.
- 9. HEIGHT/SIZE**, THE CITY WISHES TO CONTINUE TO RESTRICT THE HEIGHT AND SIZE OF PARTICULAR SIGNS AND THAT SUCH RESTRICTIONS ADVANCE THE CITY'S GOAL OF PRESERVING THE AESTHETIC BEAUTY OF THE CITY OF BRADENTON.
- 10. EXEMPT SIGNS**, THE CITY WISHES TO CONTINUE TO ASSURE THAT VARIOUS SIGNS ARE EXEMPT FROM ITS SIGN PERMITTING REQUIREMENTS.
- 11. SEVERABILITY**, THE CITY WISHES TO ENACT SEVERABILITY PROVISIONS.
- 12. INTENTION OF REGULATIONS**: THE CITY'S SIGN REGULATIONS ARE CONCERNED WITH THE SECONDARY EFFECTS OF SPEECH, INCLUDING BUT NOT LIMITED TO AESTHETICS AND TRAFFIC SAFETY, AND ARE NOT INTENDED TO REGULATE VIEWPOINTS OR CENSOR SPEECH, AND FOR THOSE AND OTHER REASONS THESE PROVISIONS ARE NOT SUBJECT TO OR WOULD NOT FAIL A "PRIOR RESTRAINT" ANALYSIS. THE REGULATIONS ALLOW SUFFICIENT OUTLETS FOR THE EXERCISE OF FREE SPEECH AND ARE INTENDED SOLELY TO REGULATE THE TIME, PLACE AND MANNER OF PLACEMENT OF SIGNS. THE REGULATIONS ARE NOT BASED ON THE CONTENT OF THE SIGNS.
- 13. CLARIFICATION**, THE CITY RECOGNIZES THAT FRIVOLOUS CHALLENGES TO SUCH PROVISIONS HAVE BEEN AND MIGHT BE ADVANCED UNDER THE PRETEXT THAT THE CITY IS UNCONSTITUTIONALLY RESTRAINING FREE SPEECH, AND THE CITY DESIRES TO AMEND AND MODIFY ITS REGULATIONS TO CLARIFY THE EXISTING REGULATIONS, TO CODIFY CURRENT PRACTICE AND TO THE FULLEST EXTEND POSSIBLE, ENSURE THAT A PRIOR RESTRAINT CLAIM CANNOT BE ADVANCED IN GOOD FAITH AGAINST THE CITY'S REGULATIONS AS IT RELATES TO SIGNS.

CONSISTENT WITH COMPREHENSIVE PLAN:

STAFF HAS DETERMINED THAT

THE PROPOSED AMENDMENTS ARE CONSISTENT WITH ALL APPLICABLE POLICIES OF THE CITY'S ADOPTED COMPREHENSIVE PLAN
THE PROPOSED AMENDMENTS WILL NOT RESULT IN INCOMPATIBLE LAND USES.

EFFECTS OF THE AMENDMENTS/REPEAL

- ADOPTION OF THIS ORDINANCE WILL REPEAL SECTION 501.A.8 OF THE LAND USE AND DEVELOPMENT REGULATIONS
- ADOPTION OF THIS ORDINANCE WILL REPEAL SECTION 502.B.5, INCLUDING SSCHEDULE 502.B.5. OF THE LAND USE REGULATIONS.
- ADOPTION OF THIS ORDINANCE WILL CREATE A NEW SECTION 550 OF THE LAND USE AND DEVELOPMENT REGULATIONS.

DETAILS OF NEW SECTION 550

550.A PURPOSE AND INTENT:

- ENCOURAGE EFFECTIVE USE OF SIGNS AS MEANS OF COMMUNICATION.
- MAINTAIN AND ENHANCE VISUAL AND AESTHETIC ENVIRONMENT.
- INTEGRATION OF SIGNAGE WITH ARCHITECTURAL AND LANDSCAPE DESIGN.
- PRESERVE CONSERVE, PROTECT AND ENHANCE AESTHETIC QUALITY, HISTORIC RESOURCES AND SCENIC BEAUTY OF THE CITY.
- LESSEN VISUAL CLUTTER
- MINIMIZE ADVERSE EFFECTS OF SIGNS.
- REGULATE APPEARANCE AND DESIGN OF SIGNES.
- ALLOW SIGNS THAT ARE COMPATIBLE
- IMPROVE PEDESTRIAN AND TRAFFIC SAFETY
- REGULATE SIGNS TO PREVENT INTERFERENCE OR VISUAL OBSTRUCTION TO PEDESTRIANS, BICYCLISTS OR MOTORISTS.
- ENSURE SAFE INSTALLATION
- ENCOURAGE AND ALLOW SIGNS APPROPRIATE WITHIN THE DISTRICT
- CURTAIL THE SIZE AND NUMBER OF SIGNS
- ESTABLISH SIGN SIZE IN RELATION TO LOT AND BUILDING
- CATEGORIZE SIGNS BASED ON FUNCTION
- PRECLUDE SIGNS FROM CONFLICTING WITH THE PRINCIPAL PERMITTED USE OF THE SITE
- ALLOW FOR TRAFFIC CONTROL DEVICES CONSISTENT WITH NATIONAL STANDARDS
- PROTECT PROPERTY VALUES BY PRECLUDING SUGN TYPES THAT CREATE A NUISANCE AS A RESULT OF SIZE, HEIGHT, ILLUMINATION, BRIGHTNESS OR MOVEMENT.
- PROTECT PROPERTY VALUES BY ENSURING THAT SIGN TYPES AND NUMBERS ARE IN HARMONY WITH BUILDINGS, NEIGHBORHOODS AND CONFORMING SIGNS IN THEIR AREA.
- STREAMLINE THE APPROVAL PROCESS.
- ENABLE THE FAIR AND CONSISTENT ENFORCEMENT.

550.B SIGN RELATED DEFINITIONS ADDED IN SECTION 600 FOR THE FOLLOWING:

ABANDONED OR DISCONTINUED SIGN OR SIGN STRUCTURE
ADVERTISING
ANIMATED SIGN
BANDIT SIGN
BANNER
BEACON
BUILDING SIGN
CABINET OR BOX SIGN
CANOPY SIGN
CHANGEABLE COPY SIGN
COMMERCIAL MESSAGE
COPY
CREDIT CARD SIGN
DIRECTOR SIGN
DISTRICT THEME SIGN
ELECTION SIGN
FLAG

FLASHING SIGN
 FREE EXPRESSION SIGN
 FREESTANDING SIGN, INCLUDING MONUMENT AND POLE SIGN
 FRONTAGE
 GARAGE OR YARD SALE SIGN
 GRAND OPENING SIGN
 HEIGHT OF SIGN
 IDENTIFICATION AND INFORMATION SIGN
 ILLUMINATED SIGN
 LOGO
 MARQUEE AND MARQUEE SIGN
 NAMEPLATE SIGN
 NEON SIGN
 NON-COMMERCIAL MESSAGE
 NONCONFORMING SIGN
 ON-PREMISE DIRECTIONAL OR INFORMATION SIGN
 PANEL
 PARAPET
 PERMANENT SIGN
 PORTABLE SIGN
 PROJECTING SIGN
 PUBLIC INFORMATION SIGN
 REAL ESTATE SIGN
 REVOLVING OR ROTATING SIGN
 ROOF LINE
 ROOF SIGN
 SIDEWALK SIGN
 SIGN, INCLUDING AREA OF, FACE, STRUCTURE
 SNIPE OR BANDIT SIGN
 TEMPORARY SIGN
 TRAFFIC CONTROL DEVICE SIGN
 VEHICLE SIGN OR SIGNS
 WINDOW SIGN
 WIND SIGN

550.C PERMITTED SIGNS FOR RESIDENTIAL AND NON RESIDENTIAL BUILDINGS, LISTED IN SCHEDULE 550.C.2, REMOVED ROOF SIGNS

550.D EXEMPT SIGNS, NOW INCLUDING ELECTION SIGNS, TRAFFIC CONTROL DEVICE SIGNS, WARNING AND SAFETY SIGNS, FREE EXPRESSION SIGNS, AND STREET ADDRESS SIGNS AND RESIDENTIAL MAILBOXES.

550.E PROHIBITED SIGNS, NOW INCLUDING REVOLVING, FLASHING AND ANIMATED SIGNS; WIND SIGNS; ROOF SIGNS; SNIPE AND BANDIT SIGNS; PROJECTING SIGNS IN EXCESS OF 18 INCHES; BENCH AND SHELTER SIGNS NOT APPROVED BY MCAT: SIGNS EMITTING SOUND, VAPOR, SMOKE, ODOR, PARTICLES OR GASEOUS MATTER; UNSHIELDED ILLUMINATED DEVICE SIGNS; ANY SIGN OBSTRUCTING OR OBSCURING FROM VIEW ANY TRAFFIC OR GOVERNMENTAL SIGN, SIGNAL OR DEVICE; SIGNS WITHIN THE VISIBILITY TRIANGLE OR RIGHT OF WAY UNLESS OTHERWISE APPROVED; SIGNS OTHER THAN TRAFFIC CONTROL DEVICE SIGN THAT USES THE WORD "STOP" OR "DANGER" OR MIMICS A TRAFFIC CONTROL DEVICE SIGN; SIGNS PROHIBITED BY STATE OR FEDERAL LAW, VEHICLE SIGNS, AS DESCRIBED IN DETAIL; SIGNS INSTALLED WITHOUT PERMISSION FROM THE PROPERTY OWNER, BEACONS; INTERMITTENT SIGNS, OTHER THAN TIME AND TEMPERATURE; BANNER SIGNS, EXCEPT AS PROVIDED FOR MILITARY HOMECOMINGS AND GRAND OPENING BANNERS; PORTABLE SIGNS; SIGNS ON SEAWALLS, UTILITY POLES OR TREES; SPECTACULAR SIGNS; CHANGEABLE COPY SIGNS; VEHICLE MOUNTED SIGNS; COMPUTERIZED SIGNS CHANGING MORE FREQUENTLY THAN 60 SECOND INTERVALS; AND AIR INFLATABLE SIGNS.

550. F NONCONFORMING SIGNS, PROVIDES FOR CONFORMANCE WITH SIGN REGULATIONS WITHIN 90 DAYS OF THE SALE OF THE PROPERTY.

550.G PLACEMENT, PROHIBITS INSTALLATION IN RIGHTS-OF-WAY, IN EASEMENTS WITHOUT PUBLIC WORKS APPROVAL; WITHIN VISIBILITY TRIANGLES; AND PROHIBITS OBSTRUCTION OF ANY VEHICULAR OR PEDESTRIAN TRAVELWAY, EXIT, WINDOW, OR SIDEWALK.

550.H ILLUMINATION, REGULATES LIGHTING FOR PROTECTION OF ADJACENT RESIDENTS, WATERBODIES, ROADWAYS; PROHIBITS FLASHING LIGHTS AND STROBELIGHTS

550.I RESERVED FOR GRAPHIC ILLUSTRATIONS.

550.J VARIANCES, EMPOWERS THE PLANNING COMMISSION TO GRANT VARIANCES IF THE VARIANCE IS NOT CONTRARY TO THE PUBLIC INTERES, AND WHERE ENFORCEMENT OF THE PROVISIONS WILL RESULT IN AN UNNECESSARY HARDSHIP, HOWEVER, VARIANCES CAN NOT BE GRANTED TO ALLOW A PROHIBITED SIGN.

550.K PERMITTING REQUIREMENTS, DESCRIBES IN DETAIL PROCEDURES FOR OBTAINING A PERMIT FOR A SIGN INCLUDING THOSE IN HISTORIC DISTRICTS, INSPECTIONS, PHOTO REQUIREMENTS, DURATION, REVOCATION, MAINTENANCE AND REMOVAL.

550.L APPEALS, DESCRIBES IN DETAIL THE APPEAL PROCESS.

550.M SEVERABILITY, STATES THAT ANY PART, SUBSECTION, SECTION, PARAGRAPH, SENTENCE, ETC. IS DECLARED UNCONSTITUTIONAL, THE DECLARATION WILL NOT AFFECT ANY OTHER PART, SECTION, SUBSECTION, ETC. OF 550.

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

Questions were asked and answers given on the sign revisions.

Lengthy discussion on prohibiting offensive language on signs.

Councilman Golden voiced his objections as to not having any control or regulations regarding offensive content.

Ms. Seewer stated the Department of Development Services staff recommended approval and stated the amendments were consistent with all applicable policies of the City's adopted Comprehensive Plan.

She stated that she and Larry Frey, former Department of Development Services Director had collaboratively worked on the ordinance and that Mr. Frey had been the author of the memorandum Department of Development Services staff report dated September 9, 2005.

MOTION TO APPROVE LU.05.0015, Ordinance 2792 was made by Vice Mayor Smith/ Councilwoman Barnebey and carried 4-1 for approval with Councilman Golden in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

RESOLUTION 05-67 OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ESTABLISHING A TEMPORARY MILEAGE REIMBURSEMENT RATE FOR CITY OF BRADENTON EMPLOYEES USING PERSONAL VEHICLES TO TRAVEL ON CITY BUSINESS; PROVIDING AN EFFECTIVE DATE.

General discussion on the IRS recommended rate of 48.5 cents per mile as a temporary mileage reimbursement rate.

MOTION TO APPROVE Resolution 05-67 was made by Councilman Gallo/Councilwoman Weaver and carried 4-1 for approval with Vice Mayor Smith in opposition.

Chief Radzilowski

TRANSFER OF PATROL BOAT FROM THE SARASOTA POLICE DEPARTMENT

Chief Radzilowski stated that the Sarasota Police Department had offered to give the Bradenton Police Department a 1991 Wellcraft 34-foot scarab-sport vessel. He stated that the vessel and trailer was in very good condition and was fully outfitted with marine and police equipment.

Chief Radzilowski voiced his concern regarding the high cost of maintaining this vessel and requested direction from the Council.

General discussion that the boat would require more maintenance and resources than the current patrol boat.

Chief Radzilowski recommended accepting this vessel as it was ready for patrol. He stated that the present NADA average retail value of this craft was \$39,000. He stated that should the boat prove nonserviceable to the department, it would then be disposed of.

MOTION TO APPROVE the request to transfer the 1991 Wellcraft 34-foot scarab-sport vessel from the Sarasota Police Department to the Bradenton Police Department was made by Councilwoman Barnebey/Vice Mayor Smith and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Stated he would be attending a bond funding seminar Thursday and would return on Friday.

Chief Souders: Nothing to report.

Carolyn Moore: As of October 14, 2005 the entire payroll was now being dispensed bi-weekly via direct deposit to all employees.

Staci Cross: Excused absence.

Chief Radzilowski: Invited everyone to attend the Crimestoppers' Halloween activities at the City Auditorium at 5:30 p.m. on Monday, October 31, 2005.

Chief Radzilowski reported that the state had requested mutual aid for the City of Miami police department. He stated that ten (10) officers properly equipped officers would deploy tomorrow for three to seven days to assist with security.

John Cumming: Reported that there had been no major problems caused by Hurricane Wilma but that all 54 lift stations had been intermittently out of service during the storm. He commended the crews of the lift station and the electrical department for keeping the stations up and running with no sewage spills.

Mr. Cumming stated that there were extra yard waste trucks out to help with debris pick up.

Mr. Cumming reported that the state had also requested mutual aid of the Public Works Department, so the City would be sending generators and electricians to Collier County.

Ruth Seewer: Nothing to report.

Bill Lisch: Stated that the Mira Isles applicants had appealed the decision made by Council at the September 14, 2005 meeting and were requesting mediation. He recommended Hamilton "Chip" Rice as the special master to preside over the mediation and asked if Council had any objections.

Council had no objections.

Mr. Lisch stated that he would be unable to attend these mediation meetings and suggested using another attorney.

Mr. Lisch stated that the Twin Dolphin owners had requested an Estoppel letter stating that they were not behind on their lease and that the City had not received any default on the submerged land lease.

REQUEST BY Mr. Lisch to authorize Carl Callahan, City Clerk and Treasurer, to execute an Estoppel letter to the Twin Dolphin owners.

No discussion followed.

MOTION TO APPROVE the request by Mr. Lisch was made by Vice Mayor Smith/Councilman Golden and carried 5-0 for approval.

Mr. Lisch stated that the attorney's for Main Street Apartment's had requested an extension of time for their purchase and sale agreement on the land at Main Street Apartments. He stated this request was necessary because the insurance company could not issue a policy during the time of an impending storm and subsequently their office had been disrupted by Hurricane Wilma.

Mr. Lisch read the following resolution:

RESOLUTION 05-70

A RESOLUTION TO EXTEND THE MAIN STREET APARTMENTS CLOSING DATE TO NOVEMBER 11, 2005 INCLUDING ANY TRANSFERRING OF THE CLOSING DOCUMENTS AND ANY MINERAL OR PHOSPHATE MINING RIGHTS.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 7:30 p.m.

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