

**CITY COUNCIL MEETING  
May 10, 2006**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on May 10, 2006 at 8:30 a.m.

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

**City Officials:** Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Deputy Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

**Press:** Bradenton Herald.

The meeting was called to order by Vice Mayor Gallo. Ecumenical invocation was led by Pastor Don Hanna, Trinity United Methodist Church. Flag salute was led by Councilwoman Barnebey.

Mayor Poston and Councilman Ward IV Bemis Smith were excused from the meeting as they were attending the Governor's Hurricane Conference on the east coast.

PROCLAMATIONS

**Code Enforcement Officers' Appreciation Week Proclamation – June 5-9, 2006**

**National Salvation Army Week Proclamation – May 15-21, 2006**

**Armed Forces Day Proclamation – May 20, 2006**

**Older American Month Proclamation – May, 2006**

PRESENTATIONS

**Bradenton Police Department – Swearing In Of New Officers**

Vice Mayor Gallo gave the oath of office to **Officer Jennifer Lesko** and **Officer Trenton Moore**.

**Public Works Department – Employee Recognition**

Employee of the Month for May: **Sherry Grey**, Water Reclamation Facility.

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

CITIZEN COMMENTS

**Robin Miller**, 1010 16<sup>th</sup> Avenue West stated that he was confused as to what the rules and procedures were in the building department. He offered monetary support to the next elected official who could make things better for the middle-class citizens.

## COUNCIL REPORTS

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

**Councilwoman Marianne Barnebey, Ward II:** Announced that the 13<sup>th</sup> Avenue Community Center fundraiser had been a great success with several professional athletes in attendance.

**Councilman Patrick Roff, Ward III:** Reported that the Community Workshop's "Ten-year Plan to End Homelessness" has seen on-going progress but voiced his concern that the homeless situation was getting worse in certain areas of the city due to aggressive behaviors by individuals.

Councilman Roff inquired about the status of the "No lodging" Ordinance 2814.

Bill Lisch stated that a ruling regarding legal issues revolving around the adopted Sarasota Ordinance has been delayed for several months. He asked the Council if they wanted to bring forth Ordinance 2814 at the May 24, 2006 meeting as it had been continued until time certain but voiced his concern that there was no quick resolution to this problem.

**MOTION TO TABLE Ordinance 2814 until time certain until the Second District Court of Appeals resolved the current problems was made by Councilman Roff/Councilman Golden and carried 4-0 for approval.** (Councilman Smith was absent from the meeting.)

**Councilman Bemis Smith, Ward IV:** Excused from the meeting.

**Councilman James Golden, Ward V:** Reported that he had attended a meeting of the Council of Governments where the major focus had been on studying community compatibility. He stated that the general countywide consensus agreed about selected growth and building height in certain areas of the county.

**Mayor Wayne Poston:** Excused from the meeting.

## CONSENT AGENDA

**Approval of Minutes for April 26, 2006.**

**Budget Adjustment – 43<sup>rd</sup> Street Signalization**

**MOTION TO APPROVE THE CONSENT AGENDA consisting of the April 26, 2006 minutes and Budget Adjustment for 43<sup>rd</sup> Street Signalization was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**PR.06.0022 WARD 4 NEIGHBORHOOD 7.02A RS** **PUBLIC HEARING**

Request of George F. Young, Inc., agent for James Wood, Thorwald III, LLC, c/o Dolphin Equity, owners, for preliminary approval of a Planned Development Project known as Thorwald and located at 208 & 210 22nd St Ct NE & 327 Riverpoint Dr NE (Zoned R1B).

The public hearing was opened.

Discussion: Referred to a letter from the applicant requesting to continue the public hearing to May 24, 2006.

**MOTION TO CONTINUE PR.06.0022 to May 24, 2006 was made by Councilwoman Barnebey/Councilman Golden and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

-----  
**SP.06.0004 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of George F. Young, Inc., agent for James Wood, Thorwald III, LLC, c/o Dolphin Equity, owners, for preliminary approval of a Subdivision known as Thorwald located at 208 & 210 22nd St Ct NE & 327 Riverpoint Dr NE (Zoned R1B).

**MOTION TO CONTINUE SP.06.0004 to May 24, 2006 was made by Councilwoman Barnebey/Councilman Golden and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

-----  
**CP.05.0010 WARD 5 NEIGHBORHOOD 7.02/8.03 MM**

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, to amend the City's Comprehensive Plan by changing the Future Land Use Designation from County Residential-6 to City Residential-6 for property located at 2605 26th Avenue East.

**FIRST READING OF PROPOSED ORDINANCE 2831**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 2605 26<sup>TH</sup> AVENUE EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0010) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing of CP.05.0010, Ordinance 2831 for May 24, 2006 was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

-----  
**LU.05.0022 WARD 5 NEIGHBORHOOD 7.02/8.03 MM**

Request of King Engineering Assoc., Inc., agent for Mixon Fruit Farms, owner, for Land Use Atlas Amendment from County A-1 to City PDP for property located at 2605 26<sup>th</sup> Avenue East.

**FIRST READING OF PROPOSED ORDINANCE 2832**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 2605 26<sup>TH</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing of LU.05.0022, Ordinance 2832 for May 24, 2006 was made by Councilman Golden/Councilman Roff and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

**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 Land Use Atlas Amendment from County Residential-6 to City Residential-6 for property located at 5050 1st Avenue East.

**FIRST READING OF PROPOSED ORDINANCE 2833**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5050 1<sup>st</sup> AVENUE EAST, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0012) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL 6 TO CITY RESIDENTIAL 6; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing of CP.05.0012, Ordinance 2833 for May 24, 2006 was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval. (Councilman Smith was excused from the meeting.)**

-----  
**LU.05.0024 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, for a Land Use Atlas Amendment change from County A1 to City PDP for property located at 5050 1st Avenue East.

**FIRST READING OF PROPOSED ORDINANCE 2834**

*AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 5050 1<sup>st</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

**MOTION TO APPROVE the first reading and set the second reading and public hearing of LU.05.0024, Ordinance 2834 for May 24, 2006 was made by Councilman Golden/Councilman Roff and carried 4-0 for approval. (Councilman Smith was excused from the meeting.)**

-----  
**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.

**FIRST READING OF PROPOSED ORDINANCE 2835**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES GENERALLY LOCATED IMMEDIATELY SOUTH OF 9<sup>TH</sup> AVENUE WEST TO 18<sup>TH</sup> AVENUE WEST (NORTH TO SOUTH) AND 13<sup>TH</sup> STREET WEST TO 15<sup>TH</sup> STREET WEST (EAST TO WEST) FROM CURRENT FUTURE LAND USE DESIGNATIONS TO URBAN VILLAGE; PROVIDING FOR INCREASE IN DENSITY; PROVIDING FOR POTENTIAL DENSITY BONUSES FOR AFFORDABLE HOUSING; PROVIDING FOR INCREASED RESIDENTIAL DENSITY IN THE URBAN CENTRAL BUSINESS DISTRICT FUTURE LAND USE DESIGNATION WITH POTENTIAL BONUSES FOR AFFORDABLE HOUSING, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF*

*BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (LARGE SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0007); PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.*

Discussion: The Urban Central Business District boundaries which did not include 9<sup>th</sup> Street.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of CP.05.0007, Ordinance 2835 for May 24, 2006 was made by Councilman Roff/Councilman Golden and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

**LU.06.0027 WARDS 3 & 5 NEIGHBORHOODS 1.03/1.04, 6.01, 6.02 MM**

Request of City of Bradenton to amend Land Use Atlas from C-1, C-3, R-3A, R-2B, and R3-B to Urban Village for properties identified in Map Exhibit, generally located immediately south of 9<sup>th</sup> Avenue West to 18<sup>th</sup> Avenue West (north to south) and 13<sup>th</sup> Street West to 15<sup>th</sup> Street West (east to west) in the City of Bradenton, Florida. The Urban Village district will provide for a mixture of land uses as recommended in the City's adopted Future Land Use Element with a maximum residential density of 30 dwelling units per acre and a potential density bonus of up to 10 dwelling units per acre contingent upon certain requirements being met relating to the creation of affordable housing. Non-residential land uses will be limited to a maximum floor area ratio of 0.70. In addition, the City proposes to increase the maximum residential density inside the currently adopted Urban Central Business District overlay, as shown on Map Exhibit, from 25 dwelling units per acre to 40 dwelling units per acre plus a potential density bonus of up to 10 dwelling units per acre contingent upon certain requirements being met relating to the creation of affordable housing. Concurrently, the floor area ratio for non-residential land uses in the C-1 district is proposed to be reduced from its current maximum of 10.0 to 5.0.

**FIRST READING OF PROPOSED ORDINANCE NO. 2836**

*AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA AND AMENDING ITS LAND USE ATLAS FOR PROPERTIES GENERALLY LOCATED IMMEDIATELY SOUTH OF 9<sup>TH</sup> AVENUE WEST TO 18<sup>TH</sup> AVENUE WEST (NORTH TO SOUTH) AND 13<sup>TH</sup> STREET WEST TO 15<sup>TH</sup> STREET WEST (EAST TO WEST) FROM CURRENT LAND USE DESIGNATIONS TO URBAN VILLAGE; PROVIDING FOR INCREASE IN DENSITY; PROVIDING FOR POTENTIAL DENSITY BONUSES FOR AFFORDABLE HOUSING; PROVIDING FOR INCREASED RESIDENTIAL DENSITY IN THE URBAN CENTRAL BUSINESS DISTRICT OVERLAY WITH POTENTIAL BONUSES FOR AFFORDABLE HOUSING; REDUCING FLOOR AREA RATIOS FOR NON-RESIDENTIAL USES IN THE C-1 DISTRICT; PROVIDING AN EFFECTIVE DATE.*

Matt McLachlan, Assistant Department of Planning and Community Development Director, stated that the ordinance had been amended adding the wording in the last line of the ordinance heading to read "amending permitted and special uses, providing an effective date."

**MOTION TO APPROVE the first reading and set the second reading and public hearing of LU.06.0027, Ordinance 2836 for June 14, 2006 with the amendment was made by Councilman Roff/Councilman Golden and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

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

Carl Callahan

### **RESOLUTION NO. 06-30**

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, INCREASING ITS WATER AND SEWER SERVICE IMPACT FEES; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan referred to a previous presentation given by **Harold Bridges**, of Jones, Edmunds and Associates, regarding items needed for normal growth versus items needed for new growth and the recommendation to have impact fees pay for the new growth.

Mr. Callahan stated that there was a requirement in the Florida Statutes that necessitates that every customer be notified of the prospective change of fees prior to adopting an ordinance. He stated a notice would be placed on the utility bills giving details of a public hearing date.

He asked for direction from the Council on how they would like to proceed and recommended adopting this resolution to allow him to move forward with an impact fee ordinance.

Discussion: That a recommendation had been made by Harold Bridges to implement impact fees as they were needed to continue with the items and projects created by new growth and to provide the level of service to meet the needs of a growing city.

**MOTION TO APPROVE Resolution 06-30 was made Councilman Golden/Councilman Roff and carried 4-0 for approval.** (Councilman Smith was excused from the meeting.)

Staci Cross

### **GIS Uses**

Ms. Cross and Seth Kohn, Special Projects Engineer, gave a brief PowerPoint presentation of the Geographic Information System (GIS) which provided large amounts of information such as property ownership, street addresses, and utility infrastructure to be viewed graphically as maps by various city departments.

Ms. Cross stated that the city currently taps into the county's technology and its GIS.

Ms. Cross stated that in the future the GIS would be accessed via Eden. She stated that it would better assist the citizens by offering expanded information on utility infrastructure, planning, licensing and utility billing, land use, historic structure with expansion for facilities, identifying parcels, emergency services, and reverse 911 service to notify the community of emergency evacuation routes.

She stated that a GIS Task Force committee had been created to identify what was needed by GIS, what the future needs would be, and to collect data needed which would be needed to better assist the city.

Questions and answers were given regarding the uses and additional costs associated with GIS.

## DEPARTMENT HEADS

**Carl Callahan:** Reported that the Judicial Garage was officially open with a few minor problems with the elevator system which would be corrected.

Councilman Golden requested a report regarding the legislative updates for eminent domain and if it would be on the election ballots as a referendum.

Mr. Callahan stated that he was reviewing all the legislation bills and how they would impact the city and the community.

**Deputy Chief Edwards:** Nothing to report.

**Carolyn Moore:** Reported that the Spanish class had begun and had 22 employees attending; the Weight Watchers class of 20 people had lost a total of 125 pounds; and the Stop Smoking class had 8 people who had quit smoking.

Mrs. Moore stated in May the Insurance Committee would be meeting with recommendations for the health insurance.

She announced that, with the sponsorship and assistance of Pinnacle Medical Group, the Health Fair would be held on August 2<sup>nd</sup>.

She stated that the Fire Department was sponsoring a golf tournament on June 24, 2006 to help an employee who was very ill.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Reported that the CALEA accreditation review had taken four days and was told that a recommendation would be made to the committee to receive national and international accreditation awards.

Chief Radzilowski announced that this Mother's Day weekend would hold another "Gun for Food" exchange program sponsored by Albertson's Grocery Store and Beall's Department Store.

**John Cumming:** Reported that the large garbage collection cans designed for automated pickup would be distributed within the next month in Village Green and in an area of the Village of the Arts around 14<sup>th</sup> Street.

Mr. Cumming gave an update regarding the 400 – 500 million gallon reservoir expansion and stated that Southwest Florida Water Management District (SWFWMD) agreed that the City of Bradenton was in full cooperation to receive 50% of the funding for the reservoir.

**Tim Polk:** Distributed the Manatee County Compatibility Study which outlined the compatibility, design, and height requirements that had been discussed at the Council of Governments meeting on May 8, 2006.

Mr. Polk stated that at the next Planning Commission meeting there would be major discussion on the proposed project presented regarding the issue of compatibility, design and height.

Mr. Polk stated that guidelines would be created regarding compatibility, design and height on the city's shoreline and urban corridors within the city.

He stated that a developer would be required to provide an impact analysis as to why they would want to build higher than what the city recommended.

**Bill Lisch:** Nothing to report.

ADJOURNMENT

There being no further business, Vice Mayor Gallo adjourned the meeting at 10:15 a.m.

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