

**CITY COUNCIL MEETING
August 10, 2005**

**APPROVED BY
September 14, 2005
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 August 10, 2005 at 8:30 a.m.

Present: 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: 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, Development Services Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune.

The meeting was called to order by Vice Mayor Smith.
Ecumenical invocation was led by Rev. Virgil Mills, First Church of the Nazarene.
Flag salute was led by Councilwoman Weaver.

Wayne Poston, Mayor and Councilman Ward I Gene Gallo were excused from the meeting.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR JULY 8, 2005 AND JULY 13, 2005.

MOTION TO APPROVE the Minutes of July 8, 2005 was made by Councilwoman Barnebey/Councilwoman Weaver and carried 3-0 for approval. (Councilman Golden was absent during the vote.)

MOTION TO APPROVE the Minutes of July 13, 2005 was made by Councilwoman Barnebey/Councilwoman Weaver and carried 3-0 for approval. (Councilman Golden was absent during the vote.)

Councilman Golden enters the chamber.

APPROVAL OF THE SPECIAL COUNCIL MEETING OF AUGUST 3, 2005.

MOTION TO APPROVE the Minutes of August 3, 2005 was made by Councilwoman Weaver/Councilwoman Barnebey and carried 4-0 for approval.

PROCLAMATION:

BRADENTON FIREFIGHTERS' APPRECIATION WEEK PROCLAMATION - August 15 - 20, 2005

Vicki Berkowitz, District Director for the Muscular Dystrophy Association, accepted the proclamation.

Ken Langston, Fire Marshall stated that the boot drive would be held August 26 – 28, 2005 from 8:30 a.m. to 12:00 p.m.

Councilman Golden read the following proclamation:

“YOU DRINK & DRIVE, YOU LOSE” PROCLAMATION - Labor Day National Crackdown August 19 – September 5, 2005

PRESENTATION:

PUBLIC WORKS RECOGNITIONS

John Orlando recognized **Jim Sanders** from the Water Distribution Department as “Employee of the Month” for July and **Felton Miller**, as “Employee of the Month” for August.

**BRADENTON POLICE DEPARTMENT
RECOGNITIONS AND SWEARING IN OF NEW OFFICERS**

Chief Radzilowski recognized Captain **Randy Petroskey** for his 20 years of service to the Bradenton Police Department.

Chief Radzilowski congratulated Officer **Lori J Mallard** on her promotion to Sergeant and Officer **Jose Santos** to Master Patrol Officer.

Vice Mayor Smith administered the oath of office to new officers **Brandon Patterson, Michael Tapp**, and **Jason Taulbee**.

HEALTH INSURANCE RENEWAL BY GREAT WEST HEALTHCARE

Carolyn Moore thanked the 350 employees who participated in the recent Employee Health Fair.

Mrs. Moore gave a brief presentation of the new Great West Health Care Plan and referred to the previously distributed handout which explained the three plans available. She stated that the employees could choose any one of the three plans which would take effect October 1, 2005. She stated Plan One was the current PPO Plan which had been reduced by 10% from last years cost; Plan Two was the Standard Plan with open access and was 15% lower than last year; and Plan Three was the Base Plan with open access, and was 28% lower than last year.

She stated there would be mandatory meetings for all employees to explain each plan thoroughly. She requested approval of the revised Great West Health Care Plan for 2005- 2006.

MOTION TO APPROVE the Great West Insurance Renewal 2005-2006 Plan consisting of three plans was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval.

MANATEE PLAYERS NATIONAL TITLE AWARD AND LEASE AGREEMENT

Dr. Robert Hunter, Jr., Vice President and representative of Manatee Players, gave a brief synopsis of the great achievement of the Players in winning the National Title of the “Best Community Theater” in the nation.

He stated the group’s performance of “Metamorphoses” had received the national title of Overall Best Production; the cast was awarded the Best Assemble; the Best Direction was awarded to **Rick Kirby**; Best Sound was awarded to the technical staff; **Cheryl Clifford** was named the Best Performing Actress; and the Best Original Music award was presented to **Mary Page** for her violin composition.

Dr. Hunter stated with this prestigious award given to the Manatee Players he was confident that the players could raise the \$6.7 million to build a new state-of-the- art Riverfront Theatre.

He gave a brief overview of the design plan for the new building which would include two theaters= one theater seating 100 for youth education, and the main stage theater seating 400. The entire building would be 3200 square feet with a Mediterranean architectural design.

Janene Witham, Development Director, gave an update of the capital campaign with over \$1.38 million of pledges to date and offered the City Council the first opportunity to name the outdoor stage for a contribution of \$300,000.

There were approximately 50 people in the audience showing their support for the Manatee Players.

Vice Mayor Smith requested Carl Callahan, City Clerk and Treasurer, to work with the Manatee Players to determine a proposed contribution to bring back to the Council.

CENTRAL COMMUNITY REDEVELOPMENT AGENCY

Sherod Halliburton, Executive Director, referred to an appraisal and a contract to purchase, on the Clarence Love property. He requested approval to purchase the property at a cost of \$525,000 which was the appraised value of four triplex apartments.

Discussion: The Council had the right to veto any decisions within 30 days.

MOTION TO APPROVE the request by Sherod Halliburton to purchase the Love apartments for \$525,000 and to waive the right to veto the contract was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval.

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

CITIZEN COMMENTS:

Carol Stronstorff, Vice President of the Society to the Cruelty of Patients, gave a brief report on medical issues not reported by the media.

Patrick Roff, member of the Board of Directors of the Art Center of Manatee, stated that the board was in full support of the Manatee Players.

Councilwoman Barnebey congratulated **Patrick Roff**, winner of a \$1,000 essay contest promoted by the Selby Foundation. The proceeds were donated to Sacred Heart Catholic Church.

Anna Mae Lahay, resident in the Pine Lakes subdivision, voiced her opinion, that she had been treated very negatively by the City's Code Enforcement Department.

Discussion: Problems she had regarding a yard sale and vehicles in her yard.

Vice Mayor Smith requested that Larry Frey meet with Mrs. Lahay and address her concerns.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Was excused from the meeting.

Councilwoman Marianne Barnebey, Ward II: Thanked all the volunteers who worked the National Night Out programs.

She wished Councilman Gallo a speedy recover on his recent surgery.

Councilwoman Weaver, Ward III: Reminded everyone that school was now in session.

She gave a report on Councilman Gallo's surgery and stated he was recuperating at home and was doing well.

Vice Mayor Bemis Smith, Ward IV: Thanked everyone who attended the "National Night Out" at Glazier Park.

Councilman James Golden, Ward V: Congratulated Fire Chief Souders for his recent elected position as the President of the Florida Fire Chiefs' Association.

Councilman Golden thanked the Police Department for their quick response to an attempted burglary at his home while he was away. He stated the police responded quickly and apprehended the burglar in his yard.

Councilman Golden thanked the Public Works Department for the wonderful work done on the brick walkways at the intersections along First Street. He requested permission to discuss with the Florida Department of Transportation (FDOT) to place this same brick theme at the intersection of Manatee Avenue and 15th Street East.

John Cumming supported Councilman Golden's proposal to discuss this project with FDOT as the previously completed brick walk ways were the result of Councilman Golden's previous positive discussions with that entity.

Vice Mayor Smith encouraged Councilman Golden to move forward on his request.

Councilman Golden, as liaison for the Tampa Bay Regional Planning Council, stated that the Council had planned an all day "Think Tank Meeting" on October 28, 2005 to come up with new ideas for affordable housing.

Councilman Golden stated that at a recent Tourist Development Council meeting there were discussions regarding new lighting for McKechnie Field. He stated there would be further discussions regarding this issue which would provide beneficial results primarily for the city, but also for the Pittsburgh Pirates and tourism.

Mayor Wayne Poston: Was excused from the meeting.

CONSENT AGENDA:

Carl Callahan

8a. RESOLUTION 05-39 APPOINTING **LINDA WALKER** TO THE DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HER TERM.

8e. RESOLUTION 05-51 APPOINTING **DARIN AUTREY** TO THE ARCHITECTURAL REVIEW BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.

No discussion followed.

MOTION TO APPROVE Resolution 05-39 and Resolution 05-51 was made by Councilwoman Barnebey/Councilman Golden and carried 4-0 for approval. (Councilman Gallo excused absence.)

8c. VEHICLE FOR HIRE – ORANGE TAXI

Carl Callahan stated that he had reviewed the application, that everything appeared to be in order, and that he recommended approval.

Councilwoman Barnebey stated that the Orange Taxi's vehicles appear to be clean and in good condition.

MOTION TO APPROVE the Orange Taxi application request was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval. (Councilman Gallo excused absence.)

7. BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

7a. AX-05-0009 WARD 1 NEIGHBORHOOD 4.07 LF FIRST READING OF PROPOSED ORDINANCE 2787

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 701 63rd St W AND LEGALLY DESCRIBED.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing for September 14, 2005 was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval. (Councilman Gallo excused absence.)

7b. AX-05-0010 WARD 1 NEIGHBORHOOD 12.02 LF FIRST READING OF PROPOSED ORDINANCE 2790

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 12320 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing for September 14, 2005 was made by Councilwoman Weaver/Councilman Golden and carried 3-0 for approval. (Councilwoman Barnebey absent from the chamber)(Councilman Gallo excused absence.)

7c. LU-05-0008 LF FIRST READING OF PROPOSED ORDINANCE 2791

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT DELINEATING THE ANTIQUES DISTRICT OVERLAY AND LEGALLY DESCRIBED.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing for September 14, 2005 was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval. (Councilman Gallo excused absence.)

7d. SF-05-0004 WARD 1 NEIGHBORHOOD 12.04B RS Not a Public Hearing

Request of Leo Mills & Associates, Inc., Agent for S and S Developers of Bradenton, Inc., for a subdivision final plat approval located at 9915 Manatee Avenue West (Zoned PDP)

Larry Frey gave a brief overview of the previously approved planned development project on the former Bongo's site. He stated that this request was the requirement to transfer ownership to buyers of the individual units and to determine where the common property would be located.

He stated the Department of Development Services staff recommended approval of the request.

MOTION TO APPROVE SF-05-0004 as recommended by the Department of Development Services staff was made by Councilwoman Weaver/Councilman Golden and carried 4-0 for approval. (Councilman Gallo excused absence.)

7e. PR-05-0012 WARD 4 NEIGHBORHOOD 20.04 LF PUBLIC HEARING

Request of Bob Atack of Kimley-Horn & Assoc, Agent for Peninsular Properties LLC and Manatee Corporation, Owners for preliminary PDP approval for a 102-unit condominium project to be known as Mira Isles located at 3700 SR 64 E. (Zoned PDP)

Public hearing was opened; those in favor of the project.

Rich Sacchi, 1001 South Rome Avenue, Tampa FL., President and CEO of Peninsular Properties, LLC, gave a brief overview of the \$75 million, 102 unit condominium project stating that the project was a high-end development which far exceeded the minimum requirements.

Mr. Sacchi stated that there had been extensive research and studies done by boat slip consultants regarding the river's sensitive ecosystem. He stated that that the city had no written criteria regarding boat slips. He stated physically 90 boat slips with a floating dock design could be placed, but requirements allowed approximately 50 slips. He stated that the Planning Commission, after lengthy discussion, approved the project with a determination of 25 boat slips.

Mr. Sacchi requested Council to allow the appropriate professional agencies, Southwest Florida Management Water District (SWFMWD) and Army Corp of Engineers, to determine how many boat slips would be allowed in this project.

Mr. Sacchi submitted into record 150 support letters from residents who live within a two-mile radius of the proposed development.

David Campbell, Kimley-Horn and Associates' engineer, 10117 Princess Palm Avenue, Suite 300, Tampa, FL., gave a brief background of the project which would involve 6.81 acres with a dedication of 3.41 acres for green space. He stated the project included three towers with 34 units per tower for a total of 102 units.

Mr. Campbell discussed filling the site to bring it up to elevation. It could then receive a map amendment from the Federal Emergency Management Agency (FEMA) stating that the property was no longer in a flood zone. He requested a revision to stipulation one (1) to include a Conditional Letter of Map Revision (CLOMR).

He also discussed the historical resource analysis, wetland buffers, and dumpster location.

Sherry Bagley, of Woods Consulting, 1714 County Road 1, Dunedin FL., gave a brief overview on the assessment of the impact of the project on the river environment. She explained how the developer determined the dock design which would allow 46 boat slips.

Mark Bentley, 201 North Franklin Street, Tampa, FL., submitted into record, reports, studies, and presentation documents. He discussed the non-requirements of the city regarding boat slip criteria and asked that determination of the number of boat slips be left up to the expertise of the professional agencies.

Mr. Bentley stated that the applicant agreed to stipulation seven (7) regarding the strategically placed community observation pier and an educational signage program along the proposed dock facility and along the multi-use sidewalk.

Mr. Bentley referred to his staff report which recommended 46 slips, and stated he was confident that after the professional agencies studied the proposed dock facility, they would determine not to exceed 46 dock slips.

John Nash, President of Gold Bank of Manatee County, voiced his approval stating that the project was consistent with the growth in Manatee County.

Evelyn Siegel, 3610 Joyce Drive, a retired real estate agent, voiced her support as the project would enhance the surrounding area by increasing property values. She stated that there had been increasing problems of vagrancy and trash on the current vacant property.

Alan Zirkelbach, contractor, Palmetto, FL., supported the project as the developer built only first-class developments.

Deborah Cooper, Manatee County resident, supported controlled growth in the community and stated that this project was a first-class project for the site and would be done by responsible developers.

Carl Callahan stated that after a quick review of the 150 letters submitted by Mr. Sacchi, he determined that the letters were not reflective of residents in the surrounding two-mile area. He stated that there were multiple signatures by the same persons and recommended discounting the letters regarding their support of the project.

Those in opposition of the project.

Donna Nelson, 3701 Chinaberry, River Isles, stated that she lived within two hundred feet of the proposed project. She stated the project design was a beautiful development but voiced her concern that this project, which consisted of three large eight-story towers, was out of proportion on such a small piece of property. She voiced her concern about the negative impact the project could impose on the ecosystem of the Braden River.

Mrs. Nelson stated that 60% of the 370 residents in River Isles were up north for the summer and that she did not think that proper notice was given to the them. She requested that the Council delay voting on the project until the fall when more residents would return to their winter homes. She stated she believed a smaller project would be more appropriate for the property.

Peter Nelson, 3701 Chinaberry, River Isles, voiced his opposition to the project as it would not improve the quality of life for the residents of River Isles. He stated the project was incompatible with the surrounding area.

Mr. Nelson stated as a retired Biology Teacher, he had tremendous concerns regarding the water quality of the river with pollution run off from this project, and for the impact of numerous boats on this area of the Braden River.

Julia Flanigan, 303 Bottlebrush Drive, River Isles, voiced her opposition to the proposed three, eight-story massive buildings right next to the one-story River Isle Clubhouse.

She stated that she had personally experienced projects approved by the Army Corp of Engineers that led to communities spending millions of dollars to rectify later.

She voiced her concern about the dredging which would destroy the river and about the location of the project dumpster near her back yard.

Priscilla Wahlers, 231 River Isles, stated she was in favor of progress; however, the three, eight-story buildings were not compatible with the one-story buildings in the immediate area. She stated that the project was beautiful but should be placed somewhere else other than in her back yard.

She voiced her concern that the numerous boats would disturb Manatees and other wildlife and that the development would create increased road traffic on State Road 64 and the surrounding area. She stated she was not against having a smaller project placed on this property.

She requested that this project be postponed until the rest of the River Isle community returned in the fall and brought before a full Council and the Mayor.

Karen Ciemniecki, 12700 Upper Manatee River Road, stated that as an advocate for the Braden River, she had done extensive research on the river and had great concern that the fragile ecosystem on the Braden River could not support this type of large project.

She submitted an illustration of a 2002 sea grass grant study done on the Braden River which showed the area of the proposed project composed of sea grass and mangroves.

She stated that the developer reiterated that boat docks should not be within the Council's jurisdiction and should be left to the Army Corp of Engineers. She voiced her disagreement that this issue should be up to the Council as this was their river and they should have the determination as to what happened to the river.

She submitted photos of the State Road 64 bridge and asked how large boats would go under the bridge.

She stated that this large development project was not appropriate for this small piece of property on this very fragile area of the river.

Questions were asked and answers given regarding other potential projects which would have less impact on the river.

Mary Sheppard, representing the Sierra Club, submitted information from the Manatee County Traffic Management Division listing accidents that occurred in 2003 and 2004 on State Road 64 near this proposed project site.

She voiced her concern regarding the Coastal Management/Conservation Element and the impact that this development would have on the Braden River.

Archie Waugh, Palmetto, FL., voiced his concern that this proposed development did not belong on this small piece of property. He agreed with Karen Ciemiecki that the citizens had entrusted the Council to do what's best for them and not to leave it up to an outside agency to determine the fate of this river.

Arlene Flisik, citizen and representative of the Manatee County Audubon Society, on land use issues, referred to the city's comprehensive plan regarding compatibility, the preservation of trees, keeping density down in coastal high hazard areas, biological diversity via grass flats and oyster bars for abundant sea life, jurisdiction of wetlands, and shoreline requirements for restoration. She stated that this project was very inconsistent with the city's comprehensive plan.

Isabel Wetz, 303 48th Street Court East, voiced her opposition to the development and stated there should be more affordable housing instead of expensive high-rise condominiums.

Phil Hodson, 1311 Oak Leaf Court, River Isles, voiced his opposition that the development was incompatible with the surrounding area of one-story residential houses and commercial properties.

Joan Pento, citizen, stated that though this proposed development was beautiful she voiced her concern that the development was out of proportion with the small property.

She believed that it would be best to preserve the shoreline and sea life along the river as a gateway into Bradenton, not as three eight-story high-rise towers.

Martin Wahlers, 231 River Isles, stated that no one in River Isles knew about the meetings regarding this development.

General discussion: Lack of notification to the surrounding residents, the Braden River Archipelago preservation, traffic study on State Road 64, and impact on hurricane shelter.

Larry Frey gave a lengthy report as to the numerous issues which the Department of Development Services staff had with the development, and referenced the city's comprehensive plan requirements for the Council to consider.

Ruth Seewer, Development Review Manager, reported that no notices were returned, the development was profiled on Bay News 9, and that there had been a large article written in the local newspaper about the development.

Mr. Frey stated that the Department of Development Services staff recommended approval with fifteen (15) stipulations and the Planning Commission recommended approval of the 15 stipulations with revisions to stipulations (1) and (7) with one additional stipulation (16). They were as follows:

1. The applicant shall submit to the Federal Emergency Management Agency (FEMA), a Letter of Map Revision (LOMR) [Addition: or Conditional Letter of Map Revision (CLOMR), if suitable] for the entire property indicating that the property should be removed from the Special Flood Hazard Area after the appropriate land alteration of the subject property, but prior to any subsequent development permitting.
2. All intersection improvements recommended by HNTB in the traffic study and approved by the Department of Transportation would be completed prior to occupancy of any building.
3. ~~A site-specific historical/archaeological resource analysis must be completed prior to Final PDP approval.~~ (Previous was completed.) Any historical or archaeological resources that may be discovered during development must be immediately reported to the Florida Department of State Division of Historical Resources (DHR) and mitigation would be determined by the DHR and the City of Bradenton prior to resuming disturbance activities.
4. A wetlands jurisdictional survey must be performed to determine if onsite wetlands exist. All wetlands, wetlands buffers (30 foot requirement), lands below the 2-foot contour, and 2-foot contour line buffers (35 foot requirement) shall be designated with a conservation easement, and indicated as preserved and non-disturbed. Any disturbance to the prescribed buffer areas not reviewed, as part of this approval would require review and approval by the DDS Director. The conservation easement shall also include expanded and enhanced buffer areas, as determined by the DDS on Sheets 4-8 and 16-20 of the proposed site plan.
5. Mangrove preservation shall be provided to the fullest extent possible and guaranteed through a Mangrove Preservation Plan to be submitted prior to permitting.
6. As part of the landscaping requirement, all hedges shall be planted at a minimum 36-inch height.
7. The applicant shall submit a revised master dock facility plan indicating a reduced number of boat slips totaling 10 boat slips, a strategically placed community observation pier, and an educational program with signage along the proposed dock facility and along the multi-use sidewalk.
8. Sanitary sewer and potable water must be provided to the site, at the expense of the developer. These systems shall require approval by the City Public Works Department (DPW) prior to building construction, and outright dedication of the applicable infrastructure to the City, or access through appropriate access easement, as determined by the City.
9. Adequate infrastructure shall be completed, or sufficiently completed prior to the commencement of each phase, as determined and approved by the DDS and DPW.
10. Roadway improvements would be constructed concurrently with the impacts of each phase to ensure that the Level of Service (LOS) does not fall below acceptable standards. Such roadway improvements shall include those improvements indicated above under SPECIAL DISTRICT REGULATIONS.3.Roadways.
11. Conversion of the 24 pervious parking spaces to impervious surface materials shall require administrative approval by the DDS Director.
12. The architectural design and features of the proposed buildings shall be adhered to as approved by the City Council. While reasonable administrative modifications may be allowed, other changes determined by the City not to be reflective of the City Council approved design shall require a PDP Amendment.
13. The applicant or developer shall submit to the DDS, upon a determination by the DDS Director that certain improvements by the developer are eligible for impact fee credits, an Impact Fee Credit application pertaining to such impact fees and improvements. As part of the Impact Fee Credit application, the applicant or developer shall provide assurance of required improvements through submittal of a performance bond, irrevocable letter of credit, or escrow agreement. The appropriate impact fee credits

- and methodologies for credit and the type of assurance shall require approval by the DDS Director according to City Ordinances 2680 and 2681.
14. The Final PDP must address all stipulations and other Staff/Development Review Committee (DRC) recommendations/concerns included in this report.
 15. Any deviation from the approved requirements, as determined by the DDS, may require a PDP amendment.

The following stipulations were recommended and approved by the Planning Commission:

1. Stipulation #1 revised to read that **The LOMR must be approved prior to issuance of any building permits.**
2. Stipulation #7 revised to read **25** not 10.
3. Additional Stipulation #16: **The proposed wall located within the eastern property line shall be constructed of concrete block or other similar material as approved by the DDS.**

Applicant's rebuttal.

David Campbell discussed parking spaces on the grass and that stipulation #11 was no longer valid.

Mr. Campbell addressed the traffic study standards, stating that a higher trip generation rate of 203 was used, along with the FDOT access management standard requirements to modify the medium strips on State Road 64. He stated that the buildings would be up to hurricane code standards, the drainage pond system design would meet SWFMWD requirements, that the site was lower than the surrounding area, and that there were no wetlands on the site.

Sheri Bagley addressed the environment issues and stated that SWFWMD and the Army Corp of Engineers would require extensive environmental testing, as well as the Florida Fish and Wildlife Conservation addressing the ecosystem and Manatee issue along the river.

She addressed the possibility of utilizing multi-use docks which were more favorable for conserving Mangroves and mentioned that there was no sea grass found in the area. She stated that with multi-condominium units, one slip was allowed per 100 feet, which was the standard for Manatee County and that 20 docks equated 40 slips.

She addressed maintenance dredging and stated that the proposed design of 46 boat docks would leave adequate room for boat passage and for the existing 12 private boat slips.

She stated the clearance under the bridge was 12 to 15 feet depending on the tide, which would allow 25-45 foot boats. She stated that SWFWMD would probably place restrictions on the size and type of boats due to the height limitation of the bridge.

Mark Bentley addressed the concerns that the River Isle residents had regarding proper notice.

He respectfully requested that the Council rely on the professional agencies and their expertise regarding the dock issues.

He referenced the city's comprehensive code which states that for every two-foot setback, one foot in height would be allowed. He stated that the city's code was very subjective in determining density, with development causing an insurmountable amount of traffic, which would not be an issue for hurricane evacuation.

He commented that FDOT was interested in using this parcel of property for drainage and that he did not believe the city would want this, but would rather see a \$75 million project which would generate \$12 million in ad valorem taxes for the city.

He submitted into record section 500 of the city's code which referred to standards of docks and piers.

Councilwoman Barnebey requested continuance to November 16th for the public hearing to give the applicant time to submit additional information, including renderings done to scale, physical photographs of the abutting properties in River Isles, photographs from across State Road 64 showing the proposed property, a clarification on the traffic study, and a review and report of the dock issue by an outside agency.

Mr. Bentley stated that the purchase contract for the property would expire in 30 days and had no extension.

Larry Frey clarified the motion to include that the applicant would request HNTB to appear and make a presentation on the traffic study and their perspectives.

Someone in the audience was inaudible with his comments and/or requests.

MOTION TO CONTINUE REQUEST PR-05-0012 MIRA ISLES to September 14, 2005 for the specific purpose of receiving additional input on transportation issues and additional renderings to provide a better understanding of aesthetic impact of the project was made by Councilwoman Barnebey/Councilwoman Weaver and carried 3-1 for approval with Vice Mayor Smith in opposition. Councilman Gallo excused absence.

7f. LU-05-0014/ FIRST READING OF PROPOSED ORDINANCE 2788 PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS PERTAINING TO ADDITIONAL REQUIREMENTS FOR DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, PROVIDING FOR EXEMPTIONS, AMENDMENT OF EXISTING UCBD INTENT, CLARIFYING LANGUAGE; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

MOTION TO APPROVE the first reading and public hearing and set the second hearing and public hearing for September 28, 2005 was made by Councilman Golden/Councilwoman Barnebey and carried 4-0 for approval. Councilman Gallo excused absence.

7g. AX-05-0008 LF WARD 4 NEIGHBORHOOD 20.03 LF SECOND READING AND PUBLIC HEARING
PROPOSED ORDINANCE 2786
AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 407 48TH STREET COURT EAST AND LEGALLY DESCRIBED.

The public hearing was opened; those in favor.

Stephen Thompson, representative for the applicant gave a brief overview of approximately five (5) acres adjacent to the previously approved annexation property known as the Aurora property.

He requested approval stating that this parcel included lots that were a part of the Virginia Heights subdivision.

Those in opposition.

Isabel Wetz, 303 48th Street Court East, stated that she owned a small strip of land next to Lot 18.

Mr. Thompson stated that currently that piece of land was under a quiet title suit that had been filed to resolve this issue and that this piece of property was not currently in the legal description.

Bill Lisch agreed with Mr. Thompson stating that the twenty (20) foot piece of parcel was not in this annexation.

The public hearing was closed.

Larry Frey gave a brief overview of the requested annex property consisting of approximately 5.04 acres.

He stated that the Joint Planning Committee (JPC) recommended approval with the following comments.

- 1) Manatee County was concerned that annexation of the property would create an enclave.
- 2) A portion of the northerly easement along Lot 18 may not have been included in the annexation proposal since there appeared to be a property ID number attached to it as the result of adverse possession. STAFF RESPONSE: The applicant had temporarily removed the 20-foot easement along the north property line until quiet title action was performed to obtain the property.
- 3) The applicant stated that the triangular portion of property west of 48th Street Court East was not intended to be included as part of the annexation and should be removed. Department of Development Services staff and the applicant were researching this. STAFF RESPONSE: The subject property was not included in the annexation request.

Mr. Frey stated that the Planning Commission recommended approval and the Department of Development Services staff recommended approval based on the following findings:

- City services were to be made available to the subject property.
- No apparent inconsistency existed with the City's Comprehensive Plan.
- No apparent enclave would be created.

And the following three (3) stipulations:

- 1) Future development of the properties in questions were subject to the requirements of the ACCORD, including but not limited to impact fee equivalency as defined in the ACCORD, Section 4.B (5), or the latest, mutually approved definition between Manatee County and the City of Bradenton;
- 2) The 20-foot easement along the north property line must be annexed as soon as possible and a timeline for this occurrence must be provided to the City Council prior to any annexation approval.
3. Future development of the subject property may require certain land use studies and analysis as part of any preliminary or final development approvals, as determined by the Department of Development Services Director.

Lengthy Discussion: Regarding the 20-foot strip of property Isabel Wetz stated she owned.

Isabel Wetz, inaudible in the audience.

Bill Lisch stated that this annexation could be approved and that if Isabel Wetz could determine that she had established ownership of this five-foot parcel then the parcel could be taken out by amending the ordinance.

MOTION TO APPROVE AX-05-0008, ORDINANCE 2786 as recommended by the Department of Development Services staff and Planning Commission with three stipulations was made by Councilman Golden/Councilwoman Weaver and carried 4-0 for approval.

7h. PROPOSED ORDINANCE 2789 **SECOND READING AND PUBLIC HEARING**
AN ORDINANCE AMENDING CHAPTER 1 OF THE FLORIDA BUILDING CODE RELATING TO BUILDING PERMITS AND BUILDING PERMIT EXTENSIONS AND EXPIRATION TIMES AND SETTING FORTH CONDITIONS UNDER WHICH BUILDING PERMITS WILL EXPIRE; ADDING A SECTION 18-35 TO THE CODE OF ORDINANCES WITH THE CITY OF BRADENTON, FLORIDA; PROVIDING AN EFFECTIVE DATE.

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

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

Larry Frey gave a brief overview of Ordinance 2789 which would be amending Chapter 1 of the Florida Building Code. He stated that the Department of Development Services staff recommended approval.

Councilwoman Weaver requested to be excused from the meeting.

MOTION TO APPROVE Ordinance 2789 as recommended by the Department of Development Services staff was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilwoman Weaver and Councilman Gallo excused absence.

8. NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:
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Carl Callahan

8a. REQUEST BY Manatee Glens to hold their Suicide Awareness & Prevention “Walk for Life” on Saturday, September 24th from 8:00 a.m. to 1:00 p.m. beginning in Palmetto, going southbound over the Green Bridge to City Hall and back to Sutton Park in Palmetto.

Stipulation: That the applicant work with the Old Main Street Market regarding the walk/run route.

MOTION TO APPROVE the Manatee Glens “Walk for Life” with one stipulation was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilwoman Weaver and Councilman Gallo excused absence.

8d. RESOLUTION 05- 50 AUTHORIZING LOANS IN THE AMOUNTS OF \$1,200,000 AND \$1,800,000 TO FINANCE A PORTION OF THE COST OF THE JUDICIAL CENTER PARKING GARAGE; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF TWO PROMISSORY NOTES AND A LOAN AGREEMENT WITH BANK OF AMERICA, N.A.; AUTHORIZING TWO INTEREST RATE HEDGE TRANSACTIONS WITH BANK OF AMERICA, N.A.; AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan gave a brief overview of the resolution stating that the loans would be in two portions to make sure that the city did not exceed the \$10,000,000 limitation on bank qualified lending.

MOTION TO APPROVE RESOLUTION 05-50 was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

8f. REQUEST BY the Old Main Street Merchants to hold a public event “Dog Days of August” street party on Saturday, August 20th from 6:00 p.m. to 10:00 p.m. with Old Main Street closed from 4th Avenue south to the drive thru alley.

Allen F. Yearick, owner of LeCigar, representing five other merchants on Old Main Street requested approval of the event.

Stipulation: That all departments sign off on the application prior to the event.

MOTION TO APPROVE the Old Main Street Merchants’ request with one stipulation was made by Councilwoman Barnebey/Vice Mayor Smith and carried 2-1 for approval with Councilman Golden in opposition. Councilman Gallo and Councilwoman Weaver excused absence.

Larry Frey

**8a. NOTICE OF AVAILABILITY
FOR 2005-2006 PUBLIC HOUSING AGENCY PLAN**

PUBLIC HEARING

NOTICE WAS HEREBY GIVEN that the City of Bradenton Division of Grants and Assistance Housing Assistance Program had developed its Annual Public Housing Agency Plan for Fiscal Year beginning October 1, 2005. The proposed agency plan would be available for the public review commencing June 22, 2005 during regular business hours of 8:00 a.m. to 5:00 p.m. at the following locations:

- City of Bradenton Grants & Assistance Office, 912 7th Avenue East, Bradenton, FL
- City of Bradenton City Clerk's Office, 101 12th Street West, Bradenton, FL
- Manatee County Central Library, 1301 Barcarrota Blvd., Bradenton, FL

The final public hearing to consider oral and written comments on the agency plan would be held with the Mayor and City Council acting as the Housing Assistance Agency Board on a date to be set after August 5, 2005 as a special City Council meeting in the City Council Chamber, City Hall located at 101 12th Street West, Bradenton, FL. In addition, the City Council would adopt appropriate resolutions associated with the plan and would authorize filing with the Department of Housing and Urban Development (HUD) by no later than August 31, 2005. Any public comments would become part of the plan and mailed to HUD.

The public hearing was opened, those wishing to speak for or against; no one came forward.

The public hearing was closed.

RESOLUTION 05-52 OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA (ACTING AS THE SECTION HOUSING AGENCY BOARD) ADOPTING THE CITY OF BRADENTON SECTION 8 FIVE-YEAR ANNUAL STREAMLINED PLAN.

No discussion followed.

MOTION TO APPROVE RESOLUTION 05-52 was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

Bill Lisch read the following:

8b. RESOLUTION 05-26 PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" AND "REVERSION OF SUBDIVISION" FOR THAT REAL PROPERTY AND LEGALLY DESCRIBED.

8c. RESOLUTION 05-27 PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" AND "REVERSION OF SUBDIVISION" FOR THAT REAL PROPERTY AND LEGALLY DESCRIBED.

Bill Lisch gave a brief overview of Resolutions 05-26 and 05-27 vacating public rights-of-way RV-05-0005 for Tropicana Products, Inc. which were previously approved by Council on May 11, 2005.

MOTION TO APPROVE RESOLUTIONS 05-26 AND 05-27 was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

Chief Radzilowski

8a. FORFEITURE FUNDS

Chief Radzilowski requested expenditures for the Boys & Girls Clubs “Smart Moves” program at an approximate cost of \$2,000 to 2,500.

MOTION TO APPROVE the request for expenditures in the forfeiture funds was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

DEPARTMENT HEADS:

Carl Callahan: Gave a brief overview of budget adjustments, copies of which were previously distributed to Council, and recommended approval.

Questions were asked and answers given regarding the adjustments.

MOTION TO APPROVE THE BUDGET ADJUSTMENTS as recommended by Carl Callahan was made by Councilwoman Barnebey/Vice Mayor Smith and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

Chief Souders:

REQUEST BY the Manatee County Fire Chiefs’ Association and the Bradenton Downtown Development Authority to hold a memorial service “Tribute to Heroes 911 Anniversary” on Sunday, September 11, 2005. The observations would commence with a Tribute Service Parade beginning at Memorial Park along 3rd Avenue, proceeding west to 10th Street, north to Barcarrota Boulevard, and west to 15th Street. Following the parade, a “Tribute to Heroes” event would be held on Old Main Street from 3rd Avenue to Manatee Avenue starting from 6:00 p.m. to 10:00 p.m.

MOTION TO APPROVE the request by the Manatee County Fire Chiefs’ Association and the Bradenton Downtown Development Authority for the memorial service and parade was made by Councilman Golden/Councilwoman Barnebey and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

MOTION TO APPROVE the request by the Manatee County Fire Chiefs’ Association and the Bradenton Downtown Development Authority for the “Tribute to Heroes” public event was made by Councilwoman Barnebey/Vice Mayor Smith and carried 2-1 for approval with Councilman Golden in opposition. Councilman Gallo and Councilwoman Weaver excused absence.

8a. RESOLUTION NO. 05-53 OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, DECLARING THAT THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) BE THE DESIGNATED MANAGEMENT SYSTEM FOR ALL CRITICAL INCIDENTS.

Chief Souders stated that Resolution 05-53 was to approve directives by President Bush that all federal, state, local, and tribunal governments become compliant with NIMS.

He stated that the City of Bradenton direct all departments to utilize NIMS and train the appropriate personnel on NIMS, on the Incident Command System (ICS), and to maintain a current City of Bradenton Integrated Emergency Management Plan.

He stated that the City of Bradenton would assess its compliance with NIMS prior to September 30, 2005 and would develop an implementation plan for compliance to be achieved on or before September 30, 2006.

MOTION TO APPROVE RESOLUTION 05-53 was made Councilwoman Barnebey/Councilman Golden and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

Staci Cross: Nothing to report.

Chief Radzilowski: Nothing to report.

John Cumming: Reminded the Council to please study the report given by Jones, Edmunds and Associates (JEA) to determine the course of action by the Council regarding the growth impact on the city's utilities. He stated he would be bringing forth this issue when there was a full Council.

Larry Frey: Stated that there was a poor turnout at the Evaluation Appraisal Report Workshop and that he depended on community input for this report. He stated he would have to do more advertisement to encourage community attendance.

Discussion: Using the water bill notices and MGA-TV billboard to get the word out to the community.

Bill Lisch: Requested direction from the Council to pursue studying the city's comprehensive plan regarding serving alcoholic beverages in restaurant facilities near Freedom Village and the Village Green subdivision.

He asked if the Council wanted the Department of Development Services staff to draft an amendment to the code that would allow the sale of beer and wine in the complexes near Village Green and Freedom Village.

ACTION: To direct the Department of Development Services staff to study this issue.

REQUEST BY Bill Lisch to utilize the parking lot for a staging area next to the building that housed the law firm Hamrick, Perrey, Quinlan & Smith on 12th Street West during construction of the Judicial Parking Garage.

Mr. Lisch recommended approval of the request with the following four (4) stipulations:

- 1) Once the parking garage was completed the parking lot would be restored to its original or better condition.
- 2) The city would have to provide the law firm staff with alternative parking which had been previously arranged with the First United Methodist Church on 11th Avenue.
- 3) The city would have to install a parking gate arm as there were concerns that people would be cutting through the law firm's parking area once the garage was completed.
- 4) Should the law firm get sued by the city's action, then the city would indemnify the law firm.

Questions were asked and answers given regarding the cost of the parking gate arm.

MOTION TO APPROVE the request as recommended by Mr. Lisch with four (4) stipulations was made by Councilwoman Barnebey/Councilman Golden and carried 3-0 for approval. Councilman Gallo and Councilwoman Weaver excused absence.

Mr. Lisch asked if the Council was interested in pursuing possession of the Old Star Gas Station property on 14th Street and 21st Avenue. He stated the County was in the process of attempting to obtain this property due to 20 years of non-payment of taxes.

ACTION: To bring the purchase of the Old Star Gas Station issue back to a full Council for final action.

Bill Lisch discussed the concerns previously made by citizens (February 23, 2005 minutes) who lived at the Shorewalk Condominium about owners of condominium units operating a commercial business by allowing a hotel resort atmosphere. He stated of the 260 units the majority of the units were being run like a hotel/motel.

Mr. Lisch stated that he had been investigating some cases with numerous attorneys but had not filed any kind of lawsuit. He stated that a state arbitrator had ruled on some of these cases and stated that he would like to know how the arbitrator had ruled.

Mr. Lisch stated that he would bring this issue back to a full Council.

REQUEST BY Carl Callahan for Bill Lisch to draft a resolution that the City of Bradenton would not have early voting prior to this year's election.

Mr. Callahan stated that Bob Sweat, Supervisor of Elections recommended not having early voting as the process associated with early voting would be cost prohibitive for the city. He stated that Mr. Sweat perceived that this year, being an off election year, would not attract enough voters to offset the cost.

Mr. Callahan stated that the polling would have to take place at City Hall where it would be difficult to maintain security during daily government operations and would require having to hire extra poll workers for eight days.

Discussion: Goal to attract more voters. Bob Sweat would have absentee voting ballots available for those who could not vote on Election Day.

Vice Mayor Smith stated he would like to have more research done before the city spent a significant amount of money under the current budget restraints.

MOTION TO AUTHORIZE Bill Lisch to draft a resolution stating that the City of Bradenton chose not to have early voting for this year's election was made by Vice Mayor Smith/Councilwoman Barnebey and carried 2-1 with Councilman Golden in opposition. Councilman Gallo and Councilwoman Weaver excused absence.

Carolyn Moore: Nothing to report.

ADJOURNMENT:

There being no further business, Vice Mayor Smith adjourned the meeting at 3:30 p.m.

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