

CITY COUNCIL MEETING
April 23, 2003

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on April 23, 2003 at 6:00 p.m.

Present: Councilwoman Ward II Marianne Barnebey
Vice Mayor and Councilwoman Ward III Michele Weaver
Councilman Ward IV Bemis Smith
Councilman Ward V James T. Golden

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

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Vice Mayor Weaver.

Mayor Poston and Councilman Gallo were excused from the meeting.

Prayer was led by Reverend Sterling Forrester, Southside Baptist Church.

Flag salute was led by Councilwoman Barnebey.

MINUTES:

Minutes for March 26, 2003.

No discussion followed.

Motion to approve the March 26, 2003 minutes was made by Councilman Golden, seconded by Councilman Smith and carried 4-0 for approval.

PROCLAMATION:

NATIONAL COMMUNITY DEVELOPMENT WEEK PROCLAMATION

Susie Copeland accepted the proclamation that proclaimed April 21-27, 2003 as "National Community Development Week".

CIVILITY MONTH

Mr. Callahan read the proclamation that proclaimed the month of May as "Civility Month".

PRESENTATION:

**MARTIN LUTHER KING JR. PARK
PLAYGROUND EQUIPMENT ADVISORY COMMITTEE- PEAC**

Elijah Burston, 8 years old, **Melvin Burston Jr.**, 10 years old, **Laqurisha Saintinord**, 11 years old and **Mauricio Ramirez** members of PEAC thanked the Kiwanis Club for their generous contribution of \$5,000 toward the purchase of playground equipment at Martin Luther King Jr. Park.

Councilman Golden stated that he along with **Joe Miller**, of Miracle Recreation Equipment Co. and **Bill Theroux**, Downtown Development Authority Executive Director had met with the PEAC members for their input regarding the design and features for the Martin Luther King Jr. Park playground equipment. Councilman Golden stated that it was decided that Joe Miller would custom design the equipment for the park.

Councilman Golden asked the Council to support this cause with a \$10,000 donation toward the equipment.

Discussion: The playground equipment design and funds budgeted.

(Continued under Councilman Golden's Council Report)

TAMPA BAY REGIONAL PLANNING COUNCIL

Pinellas County Commissioner Barbara Sheen Todd as Chairperson for the Tampa Bay Regional Planning Council gave a brief PowerPoint presentation overview of the Tampa Bay Regional Planning Council function and the services they provided to the regional community's.

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

PUBLIC COMMENTS:

Helen Mitchell, Pinebrook resident voiced her concern for the traffic problems on Cortez Road.

Dale Schmitz, Palma Sola Alliance representative voiced his concern with the alcohol ban and preserving the ecosystem of Palma Sola Causeway.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Excused absence.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey stated that she is the honorary Chairperson for the 2003 Arthritis Foundation Arthritis Walk and invited everyone to come and participate in the 5K Run and Walk on May 15, 2003

Mr. Callahan read the following:

The Arthritis Foundation is requesting to hold a 5K Run and Walk on Thursday, May 15th starting and finishing on Old Main Street from 4th Avenue West over Green Bridge to Palmetto and return to the start/finish line.

No discussion followed.

Motion to approve the request was made by Councilwoman Barnebey, seconded by Councilman Smith and carried 4-0 for approval.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver thanked the citizens who attended the Public Mayor meeting in Ward III on May 14, 2003.

Councilman Bemis Smith, Ward IV:

Nothing to report.

Councilman James Golden, Ward V:

Councilman Golden requested approval for an additional amount up to \$10,000 from the City of Bradenton to purchase the playground equipment.

Bill Theroux gave a brief overview of the playground equipment design which would be customized by the Martin Luther King Jr. Park Playground Equipment Advisory Committee- PEAC.

(Tape 1, side 2)

Carl Callahan stated that there were funds in the Parks & Recreation budget for playground equipment.

Discussion: Request for additional information on the playground equipment design.

Action: To bring back additional information on the custom design playground equipment to the May 14, 2003 Council meeting.

Mayor Poston:

Excused absence.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

SECOND READING OF AN ORDINANCE PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS, TO AMEND THE DEFINITION OF "AVERAGE FINAL COMPENSATION"; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 10, OPTIONAL FORMS OF

BENEFITS; AMENDING SECTION 15, MAXIMUM PENSION, SECTION 27, PRIOR FIRE SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward. No one came forward.

Tom Woods, Fire Pension Administrator stated that this ordinance corrected some of the inequities in the Firefighter's retirement system. He commented that with these changes there was a substantial decrease in cost to the City.

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

Vice Mayor Weaver closed the public hearing.

Motion to approve the ordinance was made by Councilman Smith, seconded by Councilman Golden and carried 4-0 for approval.

Chief Souders exited the Chambers with Captain Tom Woods taking his place in his absence.

Mr. Callahan read the following:

M-LUDR-02-15 SECOND READING OF AN ORDINANCE PUBLIC HEARING
Request of the City of Bradenton for an amendment to the Land Use and Development Regulations regarding incentives for redevelopment, errata and general amendments affecting Land Use Regulations.

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; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Weaver opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward. No one came forward.

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

Vice Mayor Weaver closed the public hearing.

Larry Frey stated that the Planning Staff recommended approval of the request with the following changes:

1. To accommodate the merging of the Planning Commission Board and the Board of Adjustment. The Board of Adjustment language had been deleted.
2. To Clarify the existing language regarding the submittal of application requirements.
3. To Clarify the complete application submittal.
4. To Change incorrect references.
5. To Clarify Special Exception Permit requirements.

6. To Clarify existing language and addition of trailer parking and storage limitations.
7. The addition of disclaimers for improperly placed fences and limitations of blocking of water views.
8. The addition of air inflatable signs as a prohibited sign.
9. To separate Public versus Private Events and additional language requiring administrative permit for private event.

Larry Frey stated that the Planning Commission recommended approval of the amendments.

Questions were asked and answers given regarding inoperable vehicles and storage limitations, fences obstructing water views and the language in the special exceptions section.

Discussion: To eliminate "or otherwise hidden from public view regarding inoperable vehicles."

(Tape 2, side 1)

Motion to approve the ordinance with all changes excluding in schedule 501.A to eliminate "or otherwise hidden from public view regarding inoperable vehicles" was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 101 48th STREET COURT NORTHEAST AND LEGALLY DESCRIBED.

Motion to approve the first reading and to set the second reading and public hearing on May 28, 2003 was made by Councilman Smith, seconded by Councilman Golden and carried 4-0 for approval.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE

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 C-1A (LIGHT COMMERCIAL MIXED USE) AND R-1C (RESIDENTIAL SINGLE FAMILY) TO I (INDUSTRIAL) FOR THE PROPERTY LOCATED BETWEEN 9TH AVENUE EAST TO 11TH AVENUE EAST, AND 10TH STREET EAST TO 13TH STREET EAST AND LEGALLY DESCRIBED.

Motion to accept the first reading and set the second reading and public hearing for May 14, 2003 was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE PUBLIC HEARING
AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BRADENTON AND PEGASUS PROPERTY INVESTMENT GROUP LLC TO ALLOW REDEVELOPMENT OF THE PROPERTY LOCATED AT 1720 1ST AVENUE WEST; PROVIDING FOR ALLOWABLE USE; PROVIDING FOR CONCURRENCY APPROVAL, PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND USE AND DEVELOPMENT REGULATIONS, PROVIDING FOR STIPULATIONS OF DEVELOPMENT, TERMS AND RESTRICTIONS, AND PROVIDING CRITERIA TO RESCIND THE DEVELOPMENT AGREEMENT.

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

Jim Fromfield, representing Pegasus Property Investment Group LLC displayed renderings and gave a brief overview of the proposed development with a Key West architectural design. He stated that the existing structure would be demolished and removed.

Bill Theroux, Executive Director of Downtown Development Authority stated that the development would be a great asset and would compliment the neighborhood.

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

Churchill Mallison, owner of the Bed and Breakfast on First Avenue and **Amanda Edge**, 1727 First Avenue West voiced their concern for the height of the proposed building and with setting precedence for future high structures that may develop throughout the neighborhood.

Councilman Smith submitted a letter from **Deborah L. Schreiber** in opposition of the height of the proposed structure and stated that he had no discussion with anyone regarding this issue.

Vice Mayor Weaver closed the public hearing.

Motion to approve the first reading and set the second reading and public hearing for May 28, 2003 was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 4-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

PUBLIC HEARING
A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, APPROVING THE ISSUANCE OF THE NOT TO EXCEED \$2,700,000 PINELLAS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY REVENUE BONDS (FAMILY RESOURCES, INC. PROJECT), SERIES 2003, WITH RESPECT TO WHICH NOT TO EXCEED \$300,000 FROM THE PROCEEDS IS TO BE USED IN THE CITY OF BRADENTON, PURSUANT TO SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986; AUTHORIZING

THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Carl Callahan stated that this resolution was a request by Pinellas County for a development bond for the Family Resource Center. He stated that the staff and City Attorney had reviewed this resolution and recommended approval.

Ken Gutenberger, Counsel from the Law Firm of Bryant, Miller & Olive, P. A. stated that this was a requirement by the IRS and requested approval of the resolution.

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

Vice Mayor Weaver closed the public hearing.

Motion to approve the resolution was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval.

Mr. Callahan read the following:

**JOINT PLANNING COMMITTEE
INTERLOCAL AGREEMENT**

Mr. Callahan stated that this Interlocal Agreement was to only establish the Joint Planning Committee (JPC) and approval of those item reflected in the agreement. He stated that the agreement listed the responsibilities of the Joint Planning Committee JPC.

Councilman Smith voiced his concerns regarding the absence of Councilman Gallo who was the City representative for the Joint Planning Committee (JPC). He stated that due to the Sunshine Law he was not able to speak to Councilman Gallo regarding this issue.

Discussion: Contents of the agreement and language in the Accord regarding land use and density.

Councilman Smith voiced his concerns that the City could be giving up control and responsibilities by allowing the Joint Planning Committee (JPC) to make decisions. And that the perception was that the City Council would not have the opportunity to make decisions.

Discussion: The Joint Planning Committee responsibilities.

Motion to approve the Joint Planning Committee Interlocal Agreement was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 3-1 with Councilman Smith in opposition.

(Councilman Golden exited the Chambers.)

Mr. Callahan read the following:

Bongo's Bayside Grille is requesting "Bongo's Birthday Celebration to benefit "Keep Manatee Beautiful" on May 24, 2003 from 1 p.m. to 8:30 p.m. with a Fireworks Display on May 25th at 9:00 p.m.

Craig Malogrides, owner of Bongo's and **Ingrid McClellan**, Executive Director of "Keep Manatee Beautiful" gave a brief overview of the May 24th event.

Discussion: Concerns for off duty officers and that the March 22nd police officers bill would be paid prior to the May 24th event.

(Tape 2, Side 2)

Councilwoman Barnebey voiced her concern regarding the time the previous event ended and for the alcohol consumption ban on the Palma Sola Causeway.

Chief Radzilowski requested a **stipulation** that this request would be approved pending approval by the Bradenton Police Department and that the payment from the March 22, 2003 event for police officers services would be received prior to the May 24th event.

Motion to approve the request with the stipulation was made by Councilman Smith, seconded by Vice Mayor Weaver and carried 2-1 with Councilwoman Barnebey in opposition.

DEPARTMENT HEADS:

Carl Callahan

Nothing to report.

Captain Tom Woods

Nothing to report.

Staci Nelms

Staci Nelms stated that the Eden Financial System would be operating by the next Council meeting.

Chief Radzilowski

Nothing to report.

John Cumming

John Cumming stated that Manatee County, the City of Palmetto and the City of Bradenton had met to study and implement a solution for the Reclaimed Water Program.

He stated that Manatee County would conduct and pay for the majority of a study with engineers and that the City of Bradenton would be contributing past results from previous years for this study.

Larry Frey

Larry Frey stated that the Grants and Assistance Department would be pursuing two of Manatee County Neighborhood grant applications. He asked if there were any other neighborhood projects that could utilize this beautification and landscaping grant to contact him as soon as possible as the deadline was May 1, 2003.

He read the following response from Grants and Assistance regarding a Press Conference held April 22, 2003 relating to the recent shootings in Ward V.

“All Grants and Assistance brochures and information packets would provide points of contact to report drug, criminal, gang activities in an effort to educate the community as well as show support for their concerns. We will be doing this by providing with our Community Development Block Grant, SHIP and Housing Assistance Program applications and through messages attached to checks paid to landlords or vendors. Additionally we will be meeting with the Police Chief to establish points of contact and ways to receive updated information as it pertains to the community and its well being.”

Bill Lisch

Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 8:35 p.m.

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