

**CITY COUNCIL MEETING
August 13, 2003**

**APPROVED BY
September 10, 2003
CITY COUNCIL**

The City of Bradenton City Council met in special session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on August 13, 2003 at 8:30 a.m.

Present: Councilman Ward I Gene Gallo, Councilwoman Ward II Marianne Barnebey Vice Mayor and Councilwoman Ward III Michele Weaver, 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, Larry Frey, Planning Services Director and Staci Cross, Information Technology Director

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.
Ecumenical prayer was led by Reverend Don Hanna, Trinity United Methodist Church.
Flag salute was led by Vice Mayor Weaver.

PRESENTATION:

20 YEAR EMPLOYEE AWARD – BRADENTON POLICE DEPARTMENT

Chief Radzilowski presented a plaque to **Jacob Zaagman** for his 20 Year service to the City of Bradenton.

Chief Radzilowski introduced Officer “Echo” a Black Labrador, the newest member of the canine narcotic unit and her handler Officer Danny Bench. Officer Echo was paid for with money seized from drug dealers.

PUBLIC WORKS EMPLOYEE RECOGNITION

John Orlando recognized **Lonzie Miller**, from Parks & Recreation for 37 years of service to the City of Bradenton.

CODE ENFORCEMENT RECOGNITION

Jeff Burton, Planning Manager presented **Janean Martin** with a Certificate of Appreciation Award from Code Enforcement for her outstanding efforts with the “clean sweep program” in the Ballard School neighborhood, Ward III district.

Janean Martin thanked Mayor Poston and the City of Bradenton for the wonderful services and quick coordination from the Code Enforcement staff.

KEEP MANATEE BEAUTIFUL - CORRIDOR MANAGEMENT PLANS

Jane von Hahmann, Manatee County Commissioner representing the Palma Sola Scenic Highway and **Ingrid McClellan**, Executive Director representing the Tamiami Scenic Highway Trail spoke on the Corridor Management Plans for both designations.

REQUEST FOR APPROVAL by **Jane von Hahmann and Ingrid McClellan for the Corridor Management Plan for the Palma Sola Scenic Highway and Tamiami Scenic Highway Trail.**

No discussion followed.

MOTION TO APPROVE the request was made by Councilman Gallo/Councilman Golden carried 5-0 for approval.

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

PUBLIC COMMENTS:

Bill Edwards, owner of Armstrong Plumbing thanked Public Works for their quick response for cleaning up an area he requested several weeks ago. He voiced his concern for the Code Enforcement compliance regarding the destruction of his building located on 13th Avenue and 9th Street.

Bill Lisch cautioned Mayor Poston and Council members regarding any comments made as there was a pending lawsuit regarding this issue.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Nothing to report.

Councilwoman Marianne Barnebey, Ward II:

Encouraged everyone to support the Manatee High Cross Country 5 K Classic which would take place in G.T. Bray Park on September 1, 2003.

Vice-Mayor Michele Weaver, Ward III

Voiced her appreciation for the continued reports from the various departments regarding the flooding of Wares Creek and the surrounding area.

Councilman Bemis Smith, Ward IV:

Thanked everyone who attended the National Neighborhood "Night Out" in Ward IV and from the support and attendance of the Police Department.

(Tape 1, side 2)

Councilman James Golden, Ward V:

Nothing to report.

Mayor Poston:

Invited everyone to attend the "Tribute to Heroes" parade, downtown celebration and dedication of the Fire Fighters Memorial at the Rossi waterfront site on Thursday, September 11, 2003.

The Ethics Policy would be discussed at the next City Council meeting.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

**ABL-03-03 WARD 2 NEIGHBORHOOD 4.05/4.06 RS PUBLIC HEARING
REQUEST OF Bill Galvano, agent for Outback Steak House, for expansion of an existing 4-COP/SRX alcoholic beverage license to allow service for outdoor patio seating on the property located at 4402 Cortez Road West. (Zoned C-3)**

Public hearing was opened. Those in favor.

Jack Hawkins, representing the applicant requested to allow service of alcohol beverages for an expansion of the existing under cover outdoor patio seating for a dining area.

Larry Frey stated that the Department of Development Services Staff recommended approval. Planning Commission recommended approval with **one stipulation**: "The Gates would be opened at all times."

Discussion: Concerns for crowding the outside diners with keeping the gates opened allowing walk through traffic.

Jamie Butler, Outback Steakhouse Tampa, Florida stated that he did not have a problem with the stipulation as the gates would be free swinging gates.

Discussion: The Fire lanes in front of Outback.

Those in opposition. Hearing none. Public hearing closed.

MOTION TO APPROVE the recommendations with one stipulation made by Councilwoman Barnebey/Councilman Gallo carried 4-1 for approval. Councilman Golden in opposition.

**VAC-R-03-02 WARD 5 NEIGHBORHOOD 7.03 RS PUBLIC HEARING
REQUEST OF Wayne L. Yates, Sr. and Hattie Bradley, owners for vacation of the right of way abutting for the properties located at 1421 - 1501 14th Street East (Zoned R-1C) and legally described as follows:**

THAT PORTION OF 15TH AVENUE EAST LOCATED EAST OF 14TH STREET EAST BETWEEN LOTS 33 AND 34 OF REGENT PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 13, PAGE 6, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

Public hearing was opened. Those in favor.

Wayne L. Yates, Sr. requested approval to vacate the right-of-way located at 1421 - 1501 14th Street East.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the Department of Development Services Staff and the Planning Commission recommended approval with **two stipulations**:

1. An easement would be provided, the size to be determined by Public Works.
2. No permanent structures would be permitted in the easement.

John Cumming requested a twenty-five foot easement and that Mr. Yates meet with the Public Works Department to determine where the utility line was located on the property.

MOTION TO APPROVE the recommendation with two stipulations made by Councilman Golden/Vice Mayor Weaver carried 5-0 for approval.

**PDP-A-03-10 WARD 5 NEIGHBORHOOD 1.03/1.04 RS PUBLIC HEARING
REQUEST OF Rick Fawley, Fawley Bryant Architects, agent for Rousch Field Limited Partnership, owner for an amendment to the Planned Development Project to be located at 1301 3rd Street West. (Zoned R-3A)**

Public hearing was opened those in favor.

Rick Fawley requested an amendment to an approved constructed PDP to indicate the removal of four independent carriage houses, installation of carports and installation of six-foot PVC fence along US 301/41. He stated that there was a relocation of the swimming pool and the tennis court.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the Department of Development Services Staff recommended approval. The Planning Commission recommended approval with **one stipulation**:

1. In lieu of landscaping along the fence line at US 301/41, a heavily enhanced landscaped area would be provided at the main entrance along 13th Avenue upon completion of the senior housing building.

Lance Clayton, Bradenton Housing Authority stated that they were currently waiting to hear from the Department of Housing and Urban Development -HUD regarding the old Department of Motor Vehicle - DMV site.

Mr. Callahan requested that the wording painted on the walls of the old DMV site be painted over.

MOTION TO APPROVE the request with recommendations and one stipulation made by Councilman Golden/Vice Mayor Weaver carried 5-0 for approval.

(Tape 2, side 1)

**DA-03-01 WARD 3 NEIGHBORHOOD 1.01 LF/FIRST READING & 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**

Public hearing opened those in favor. Hearing none. Those in opposition.

Janean Martin, City resident, **Richard Stagner**, 105 N 18th Street West and **Sheila Leach**, 117 N 18th Street West voiced their opposition to the Development Agreement and asked why would the City want to go into an agreement with a developer who had allowed this building and other buildings to deteriorate with many code violations. They

had concerns stating that the development was in violation of the City's Comprehensive Plan.

Larry Frey in response to the concerns explained that the Comprehensive Plan stated that there would be no further "high rise residential buildings" in the Pt. Pleasant area which defined by the Florida Building Code as "a high rise was seventy-five (75) feet or taller". He stated that the developer met this requirement at forty-five (45) feet.

Mr. Frey stated that the Development Agreement would address a density issue as the existing building had ten (10) units and the developer had plans for eight (8) units.

Mr. Frey stated that Pt. Pleasant was a mixture of residential architectural character but that precedence had previously taken place with the existing high rise condominiums on the river. He stated that the developer had purchased several deteriorated properties at a good price with plans to renovate them.

Mr. Frey recommended that the Council carefully consider the history of the developer and his existing business within the City.

Discussion: That the developer had previously promised to contact the neighbors to address their concerns but that he had not and that the developer was not present at this meeting.

Councilman Golden voiced his concern that the developer had not done what he was suppose to do with contacting the neighbors and discussing their concerns.

Public Hearing closed.

MOTION TO APPROVE the first reading and set the second reading and public hearing for August 27, 2003 made by Vice Mayor Weaver/Councilwoman Barnebey carried 4-1 for approval. Councilman Golden in opposition.

SF-03-02 WARD 3, NEIGHBORHOOD 6.01

REQUEST OF Larry Radebach for final subdivision approval of a three-lot subdivision located at 914 17th Street West. (Zoned R-3A)

Larry Frey stated that the owner Larry Radebach was requesting to divide a lot into three parcels and that Mr. Radebach had met all City requirements. He stated that the Department of Development Services Staff recommended approval of the request.

Ruth Seewer, Development Review Manager stated that the request met all state requirements for subdividing and that no public hearing was needed. She stated the applicant would have to meet the required set backs with a dedication of a ten foot utility easement.

(Tape 2, side 2)

MOTION TO APPROVE the recommendation made by Vice Mayor Weaver/Councilwoman Barnebey carried 5-0 for approval.

ABL-03-04 WARD 4 NEIGHBORHOOD 7.02A RS / PUBLIC HEARING CONTINUED

REQUEST OF Patricia Petruff of Dye, Dietrich, Prather, Petruff and St. Paul, agent for Ronald Jarvis, Owner and President of the Fumble Inn Inc., to upgrade an existing 4-COP/SRX alcoholic beverage license to a 4-COP license on the property located at 2505 Manatee Avenue East. (Zoned C-3)

Bill Lisch recommended that the public hearing be continued to August 27, 2003.

MOTION TO CONTINUE the public hearing to August 27, 2003 as recommended made by Councilman Smith/Councilwoman Barnebey carried 4-1 for approval with Councilman Golden in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Carl Callahan

REQUEST BY the DeSoto Heritage Festival to hold "OCTOBERFEST 2003" on October 3RD, 4TH and 5TH on Old Main Street and Barcarrota Boulevard.

Mr. Callahan recommended **two stipulations: (1)** The Police Department costs for officers would be paid prior to the event and **(2)** that the damage deposit for the three day event would be \$2500.

Discussion: Concerns for Marina resident parking, Manatee Players patrons and access to the Courtyard.

Discussion: Additional **stipulation: (3)** The intersection at 3rd Avenue and Old Main Street be left open for traffic control with access for the Courtyard resident's.

Chief Souders stated that a Fire Inspector would be present to enforce all City requirements by the event vendors.

MOTION TO APPROVE the request with three stipulations made by Councilwoman Barnebey/Vice Mayor Weaver carried 4-1 for approval with Councilman Golden in opposition.

REQUEST BY the Alzhiemer Association TO HOLD a Memory Walk on Saturday, October 11, 2003 along Riverside Drive and the Waterfront Park.

Mr. Callahan recommended **one stipulation:** The Police Department costs for officers would be paid prior to the event.

MOTION TO APPROVE the request with one stipulation made by Councilwoman Barnebey/Councilman Gallo carried 5-0 for approval.

REQUEST BY Bill Hansen with the manatee herald tribune to hold "Yulefest 2003" on Saturday, November 22, 2003 from 12:00 p.m. to 10:00 p.m. on Barcarrota Boulevard.

Mr. Callahan recommended **one stipulation:** Pending the Police Department costs for officers would be paid prior to the event.

MOTION TO APPROVE the request with one stipulation made by Councilman Smith/Vice Mayor Weaver carried 5-0 for approval.

INSURANCE COMMITTEE RECOMMENDATION

Mr. Callahan stated that the Insurance Committee recommendation was to change the current Group Medical Health Plan from Manatee Health Network to a self-insured program with Great West Life Insurance to be effective October 1, 2003.

Mr. Callahan stated that it was very critical that Great West increase the network of doctors as quickly as possible to accommodate the City's employees.

MOTION TO APPROVE the recommendation from the Insurance Committee made by Councilman Gallo/Vice Mayor Weaver carried 5-0 for approval.

(Tape 3, side 1)

Chief Radzilowski

FORFEITURE FUNDS

REQUEST FOR two expenditures from the Forfeiture Funds for the following:

1. Upgraded Forensic Mapping Equipment total cost of \$3,039.
2. To utilize \$50,000 to start the Police Cadet Program in various high schools.

Chief Radzilowski stated that in order to continue the Cadet Program the funds would have to be budgeted in the 2004-2005 City budget at a cost of approximately \$50,000.

Discussion: Voting on this request did not commit \$50,000 from future City budgets.

MOTION TO APPROVE two forfeiture funds made by Councilwoman Barnebey/Councilman Golden carried 5-0 for approval.

John Cumming

7TH STREET WEST IMPROVEMENTS

REQUEST FOR a change order for the 3rd Avenue West Project to widen the sub-standard roadway from 18 feet to 24 feet on 7th Street West between Manatee Avenue and 6th Avenue West at a unit price totaling \$61,913.65.

MOTION TO APPROVE the request made by Vice Mayor Weaver/Councilman Golden carried 4-0 for approval. (Councilman Gallo was absent from voting.)

Mr. Cumming advised the Council regarding a change order that did not require Council's approval for drainage work on 13th Avenue adjacent to the Tropicana Parking lot to be paid by Tropicana Products, Inc.

Larry Frey

REFLECTION OF MANATEE GRANT – LETTER OF SUPPORT OR RESOLUTION

Mr. Frey gave a brief synopsis of a memorandum which was distributed outlining a meeting he attended with "Reflections of Manatee" and "The Trust for Public Land" regarding various properties located in the East Bradenton district.

He stated that the Riverside front properties had been eliminated and that the cost to maintain the properties would be approximately \$9,000. That in the future a manager would need to be hired part-time to maintain the properties at an annual estimated cost of \$8,000.

Questions were asked and answers given regarding the FCT Grant.

Trudy Williams stated that this grant was acquisitioned and that the properties would be purchased by "The Trust for Public Land". The properties would then be donated to Reflections of Manatee. She stated should Reflections of Manatee terminate and the City obtain the properties the City would be obligated to utilize the properties only for the benefit of the general public.

REQUEST BY Mrs. Williams for a letter of support or a resolution to be drafted that would support the FCT Grant stating that the City would provide management and stewardship of the properties should Reflections of Manatee no longer exist.

Discussion: Should the citizens decide that this agreement was not in the best interest of the community the grant would convert back to “The Trust for Public Land”.

Bill Lisch requested a Quit Claim Deed from Reflections of Manatee to the City of Bradenton for a parcel located in Indian Springs Park.

MOTION TO APPROVE a resolution made by Councilman Smith/Councilman Golden carried 5-0 for approval.

BUSINESS BY APPOINTMENT:

ZIRKLEBACH DOWNTOWN PARKING

Alan Zirkelbach, gave a presentation on the parking requirements in the eastern urban downtown Bradenton area and the conflict between the City and County parking requirements.

(Tape 3, side 2)

Request by Mr. Zirkelbach for the Council to allow the Department of Development Services Staff to make a determination and consider changing the City’s parking ratio codes in conjunction with the County’s parking ratio codes. He stated that he was currently renovating a building located at 816 Manatee Avenue East owned by Harry Bakker which had very limited parking space for the building.

No action was taken.

Larry Frey stated he would be reviewing this issue and in the future and would bring forth to Council some Land Use Regulations text changes which would allow the Department of Development Services Staff to approve this type of issue in certain zoning districts.

DEPARTMENT HEADS:

Carl Callahan

An email from the Police Department regarding upcoming construction activity at Tropicana during late night hours for Friday evening and again the following Friday evening.

The 1514 15th Street West old “HUD” house had been renovated and was recently sold for \$83,561.

Mark Souders

Nothing to report.

Staci Cross

Nothing to report.

Chief Radzilowski

Nothing to report.

John Cumming

Nothing to report.

Larry Frey

Hired **Volker Reiss** as the new Code Enforcement Officer.

Was currently working on the Brownfield's program.

Bill Lisch

Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 1:00 p.m.

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