

**CITY COUNCIL MEETING  
November 14, 2007**

**APPROVED BY  
December 12, 2007  
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 November 14, 2007 at 8:30 a.m.

**Present:** Mayor Wayne Poston; Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; 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; Tim Polk, Department of Planning and Community Development Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

**Press:** The Herald and the Herald-Tribune.

The meeting was called to order by Mayor Poston.  
Ecumenical invocation was led by Councilman Golden, City Chaplain.  
Pledge of Allegiance was led by Mayor Poston.

**PROCLAMATIONS**

**GEOGRAPHY AWARENESS WEEK PROCLAMATION  
CITY OF BRADENTON GIS DAY – NOVEMBER 14, 2007**

**NATIONAL HUNGER AND HOMELESSNESS  
AWARENESS WEEK PROCLAMATION – NOVEMBER 11-17, 2007**

**PRESENTATIONS**

**BRADENTON POLICE DEPARTMENT  
Officer of the Month – Officer Roger Edwards**

Captain Joe Vorva recognized Officer Roger Edwards as Officer of the Month for November.

**TRAFFIPAX PHOTO RED LIGHT**

**Daniel S. Foglton**, South Eastern Regional Sales Manager gave a brief Power Point presentation of how violent traffic accidents were when caused by red light runners. He stated that there was no initial cost to the city, to install each \$95,000 camera and that his company would get paid when the violator paid the violation fine.

General discussion: Needing an ordinance to make this topic a civil infraction and not criminal. Concerns for violating citizen privacy issues.

No action was taken.

*Mr. Callahan administered the oath to any individuals who wished to speak on any non-agenda items and during the public hearings.*

**CITIZEN COMMENTS:**

No one came forward.

## COUNCIL REPORTS

### **Vice Mayor/Councilman Gene Gallo, Ward I:**

**MOTION TO APPROVE the appointment of Seth Kohn as representative of the city on the Manatee Causeway Committee and to have the City Clerk send notification to Ingrid McClellan of the appointment was made by Vice Mayor and Councilman Gallo seconded by Councilman Smith and carried 5-0 for approval.**

Vice Mayor and Councilman Gallo congratulated the Information Technology Department on receiving an award for the Quantum Leap Award in recognition of the technological advances they have made for the city.

Vice Mayor and Councilman Gallo stated that he serves on the Florida League of Cities' Home Rule Committee which was addressing the following legislative issues:

1. Electronic traffic enforcement devices
2. Public and private partnership on roads
3. Certificate of public conveyance and necessity
4. Fireworks regulations.

**Councilwoman Marianne Barnebey, Ward II:** Encouraged everyone to purchase a Christmas CD from the Manatee Association of Retarded Citizens to raise money for this worthy cause. She stated that along with many other members of the local community, she was honored to be featured in one of the songs.

Councilwoman Barnebey announced that she would be attending a special workshop to be held by the Metropolitan Planning Organization (MPO) to discuss funding strategies for state and interstate improvements. She stated that due to funding cuts, there were serious concerns for how these improvements could be accomplished.

Councilwoman Barnebey requested input from the other Council members regarding this year's Winter Wonderland event. She discussed some of the issues she was facing in putting on the event this year. She requested permission to bring the public event application request to the special election meeting on November 28, 2007 for council approval.

**MOTION TO APPROVE Councilwoman Barnebey's request to continue working on the Winter Wonderland event and to bring back the application for approval at the November 28, 2007 special election meeting, was made by Vice Mayor and Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.**

**Councilman Patrick Roff, Ward III:** Thanked Police Chief Radzilowski for again keeping crime down in the City of Bradenton while statistics showed an increase in crime in the state of Florida and Manatee County.

Councilman Roff stated he was honored to have been one of only four elected officials invited to attend the Design Institute held at Florida Atlantic University. This had been the first time that someone from the west coast of Florida had been in attendance.

Councilman Roff stated he selected the 2005 Tamiami Trail Wade-Trim Study as his project to be reviewed by the Design Institute. He stated that the Design Institute review had confirmed that the study was accurate and was right on target and heading in the right direction.

Councilman Roff invited anyone who would like to know more about the Design Institute and its review of the study to attend a meeting on Monday, November 19<sup>th</sup> at 7:00 p.m. at the Gallo Central Fire Station on 9<sup>th</sup> Street.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman James Golden, Ward V:** As chairman of the Municipal Service Delivery Council of the Florida League of Cities announced that the following three issues would be brought before the legislature:

1. Employer assistance for affordable housing.
2. A resolution for fair compensation for mobile homeowners that rent lots and were displaced by development.
3. Request to allow all dollars collected from the documentary stamps (Doc stamps) for attainable housing be used only for attainable housing.

Councilman Golden stated that he was served as the Vice Chairman of the Tampa Bay Regional Planning Council and that the Council was going to request the legislature to establish a resolution to do away with a case-by-case determination as to whether there was an attainable housing need. He stated that if a person lived in the state of Florida and any developer in the state of Florida, would have to contribute to the attainable housing crisis that currently existed.

As Fire Commissioner Councilman Golden reported there had been 101 fire calls and 260 medical calls for the month of October.

Councilman Golden asked Bill Lisch if he (Councilman Golden) participated in certain matters in the deliberation of council would he be limited completely or would he be limited only to those certain matters of controversy.

Bill Lisch answered "only to that particular issue."

**Mayor Wayne Poston:** The city had received the "Image of Manatee Beautification" award from the Manatee Chamber of Commerce for the work done in Lewis Park.

Mayor Poston announced that the Manatee Legislative Delegation would be meeting with citizens and government officials on Tuesday, December 4<sup>th</sup> from 9:00 a.m. to noon at the Senior Enrichment Center at 1816 9<sup>th</sup> Street West. Mayor Poston stated they were requesting input for any appropriation or local legislation requests.

## CONSENT AGENDA

Approval of Minutes of October 24, 2007.

Resolution 07-54 – Approval of 2007-08 Indirect Cost Rate for Bradenton Police Department.

Resolution 07- 56 - Reappointment of Dr. Lois Gerber to Housing Authority Board.

Forfeiture Funds / Byrne Discretionary Grant.

MB.07.0017 WARD 3 NEIGHBORHOOD 6.01 RS

Request of Jamie Ebling, agent, for Wares Creek Development, LLC, owner, for a one year Extension of Time for property located at 1915 Manatee Avenue West. (Zoned PDP)

**MOTION TO APPROVE the Consent Agenda with the removal of Resolution 07-57 for the appointment of Gilbert "Doug" Jones to the Housing Authority Board for discussion was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

General discussion: As Gilbert Jones' resume listed two addresses, and the residency location needed to be established.

**MOTION TO TABLE Resolution 07-57 until the December 12, 2007 meeting was made by Councilman Golden, seconded by Councilman Roff and carried 5-0 for approval.**

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

CP.07.0022 WARD 1 NEIGHBORHOOD 12.02 RS

Request of Mark P. Barnebey, Esq., agent for C&L Patrick, owner, for a Small Scale Comprehensive Plan Amendment to change the Future Land Use designation from County Retail Office Residential (ROR), and Residential-6 to City Commercial for property located at 5300 Manatee Avenue West.

**FIRST READING OF PROPOSED ORDINANCE NO. 2881**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 5300 MANATEE AVENUE WEST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.07.0022) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY (ROR) AND RESIDENTIAL-6 TO CITY COMMERCIAL PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilwoman Barnebey stated that she had a continuing conflict of interest as her husband was Mark Barnebey who represented the applicant and therefore, would abstain from voting.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2881 for December 12, 2007 was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey abstained from voting.)

**LU.07.0040 WARD 1 NEIGHBORHOOD 12.02 RS**

Request of Mark P. Barnebey, Esq., agent for C&L Patrick, owner, to change the Land Use Atlas designation from County General Commercial (GC), Residential Single Family (RSF)-4.5 to City C-2 for property located at 5300 Manatee Avenue West.

**FIRST READING OF PROPOSED ORDINANCE NO. 2882**

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 GC, RSF-4.5 TO CITY C-2 FOR PROPERTY LOCATED AT 5300 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

**MOTION TO APPROVE the first reading and set the second reading and public hearing of Ordinance 2882 for December 12, 2007 was made by Vice Mayor and Councilman Gallo, seconded by Councilman Smith and carried 4-0 for approval.** (Councilwoman Barnebey abstained from voting.)

**AX.07.0020 WARD 4 NEIGHBORHOOD 7.08/8.03 RS**

Request of Michael Pendley, agent for School Board of Manatee County, owner, for annexation of 37.33 acres, more or less, of property located at 2800 27<sup>th</sup> Street East.

**SECOND READING OF PROPOSED ORDINANCE NO. 2879**

**PUBLIC HEARING**

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 2800 27<sup>th</sup> STREET EAST AND LEGALLY DESCRIBED.

The public hearing was opened. Those in favor please come forward.

**Mike Pendley** displayed an aerial view of the property known as the Matzke Complex and gave a brief overview of the proposed annexation of a contiguous developed parcel on the east side of 27<sup>th</sup> Street East. He stated the complex housed the school buses and maintenance facilities, planning offices, and fueling center of the Manatee County School Board.

**Jennifer Cohen**, Lewis, Longman & Walker law firm on behalf of Southern Manatee Fire and Rescue District, 2451 Trailmate Drive, stated they objected to the annexation based on issues surrounding fire services and the annexation.

Discussion: Questioned as to why the Southern Manatee Fire and Rescue District objected as they did not collect any fees.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval based upon the fact that the property was located in an area acceptable for annexation. He stated because this annexation was for the School Board of Manatee County no tax gain or utility expenditures would be received in exchange for providing police and fire protection.

**MOTION TO APPROVE AX.07.0020, Ordinance 2879 was made by Councilman Smith, seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

**SECOND READING OF PROPOSED ORDINANCE NO. 2883**

**PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PURSUANT TO THE DIXIE CUP CLARY CONTROL ACT, FLORIDA STATUTE 509.233 PERMITTING DOGS TO BE IN CERTAIN PUBLIC FOOD SERVICE ESTABLISHMENTS WHICH HAVE RECEIVED A PERMIT TO DO SO; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, anyone in favor or opposition please come forward.

Bill Lisch stated that there had been requests for this ordinance and that Manatee County had adopted an ordinance giving each municipality the option to adopt their own ordinance.

General discussion: Restaurants would have to apply for a permit through the city in order to participate.

The public hearing was closed.

**MOTION TO APPROVE Ordinance 2883 was made by Councilwoman Barnebey, seconded by Councilman Roff and carried 5-0 for approval.**

**PR.07.0032 WARD 4 NEIGHBORHOOD 20.04 RS**

**PUBLIC HEARING**

Request of Hough Engineering, Inc., agent for Morgan Johnson Associates, LLC., owner, for approval of a Planned Development Project (PDP) for an Office/Retail Park for property located at 5520 & 5530 SR 64 East. (Zoned PDP)

The public hearing was opened; those in favor please come forward.

**Marla Hough** displayed an architectural rendering of the proposed 24,000 square foot building.

**Barbara Levin**, attorney for the agent answered questions regarding the Parks family, who reside behind this property, with concerns for access to their property.

Anyone in opposition, please come forward, no one came forward, the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with eight stipulations and the Planning Commission recommendation with and additional stipulation #9.

1. Concerns of the Public Works Department and the Fire Department as outlined in their respective memorandums would be addressed on the site improvement construction plans.
2. All trees scheduled for preservation would be adequately barricaded.
3. During site construction adequate noise attenuation would be provided by the developer for the protection of adjacent residential properties.
4. The westernmost entrance and private gate would be installed during the beginning of the site improvement phase of development in order to prevent inadvertent trespass onto private property. The gate must have dual access for emergency vehicles with a minimum opening of 15 feet. Record must reflect evidence of access easement prior to the site improvement permit.
5. If any species listed in Rule 39-27.003 through 39.27-005 of the Florida Administrative Code were observed frequenting the site for nesting or breeding purposes, appropriate mitigation and/or protection measures would be taken, with immediate notification provided to the PCD.
6. The architectural design and features of the proposed buildings shall be consistent with the rendering submitted and identified as City of Bradenton Exhibit M, or otherwise approved by the Planning and Community Development Director prior to construction.
7. The Final PDP must address all Stipulations and other Staff/DRC recommendations/concerns included in this report as determined by the Planning and Community Development Director.
8. Any deviation from the approved requirements, as determined by the Planning and Community Development Director, may require a PDP amendment.

9. Trees would be placed in accordance with their growth pattern at maturity. The remaining trees indicated for replacement would be added to the tree fund. Documentation would be provided with the Site Improvement Plan.

Vice Mayor and Councilman Gallo asked that another stipulation be added to state that there was written documentation that the Parks family agreed to the access and gate.

Councilman Golden reiterated that language be added to stipulation #4 that the property owners consent on record to this stipulation.

Lengthy discussion: The language regarding the property owners giving proof of consent and the access easement.

General discussion: Approval for the sewer pump station property swap with appropriate needs to function for Public Works on proper location and lot size.

**Jeff Smith**, one of the project developers announced that a long-term lease had been signed by the United States Social Security Office for a location in the building site.

**MOTION TO APPROVE PR.07.0032 with the recommendation made by the Planning and Community Development staff with eight stipulations and the Planning Commission with an additional stipulation with the addition to stipulation #4 (as underlined) was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.**

**RV.07.0019 WARD 4 NEIGHBORHOOD 7.02A RS**

Request of Russell Tilton, agent for Geezers Parachute Inc., owner, for approval of Right-of-Way Vacation for part of an alley for property located at 2105 Manatee Avenue East. (Zoned C-3)

**RESOLUTION NO. 07- 50**

**PUBLIC HEARING**

A RESOLUTION PURSUANT TO SECTIONS 200.G and 200.J.6, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHT-OF-WAY" OF A 20' WIDE PLATTED ALLEY LOCATED AT 2105 MANATEE AVENUE EAST AND LEGALLY DESCRIBED.

Discussion: Council had concerns for the general use of the alleyway and what would be built on the property should it be vacated and that the city was not in the business of giving land away.

Ruth Seewer stated that if the land was owned by the developer, then it would be maintained and on the tax roll.

**MOTION TO TABLE RV.07.0019, Resolution 07-50 to give the developer the opportunity to come before council to work on developing a policy concerning right-of-way vacations was made by Councilman Smith, seconded by Councilman Golden and carried 5-0 for approval.**

**SU.07.0042 WARD 4 NEIGHBORHOOD 7.03 RS**

**PUBLIC HEARING**

Request of M.R. Friday & Associates, Inc., agent for Fred & Maria Berger, owners, for Special Use for an 85-foot dock extension for property located at 1625 1st Avenue East. (Zoned R-1B)

The public hearing was opened, those in favor please come forward.

**Michael Friday** gave a brief overview of the request to extend an existing dock that would exceed 80 feet in length to acquire more depth. He stated he already had the needed approvals from the Corp of Engineers and the state.

Those in opposition please come forward, no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff and Planning Commission recommendation for approval with no stipulations based on the criteria for dock construction as specified in Section 202.A and 501.B. 13 of the Land Use Regulations.

**MOTION TO APPROVE SU.07.0042 with the recommendation made by the Planning and Community Development staff and Planning Commission was made by Councilman Smith seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

**PROPOSED 2008 CITY COUNCIL MEETINGS**

General Discussion: Draft A-listing one meeting in the summer and winter months to make a decision for which Wednesday or Draft B-listing one meeting in November and December to make a decision for which Wednesday.

Discussion: Summer vacations and the Florida League of Cities in August.

**MOTION TO APPROVE Draft A with July 16<sup>th</sup>, August 13<sup>th</sup>, November 12<sup>th</sup> and December 10<sup>th</sup> all at 8:30 a.m. was made by Councilman Golden seconded by Vice Mayor and Councilman Gallo and carried 5-0 for approval.**

**DE SOTO HERITAGE FESTIVAL REQUESTING APPROVAL OF THE 2008 FESTIVITIES**

General discussion: Due to more possible tax cuts in January, 2008 there may be some changes regarding the cost for security for public events.

**MOTION TO APPROVE all of the requested events, excluding the Seafood Festival, was made by Councilwoman Barnebey seconded by Councilman Roff and carried 5-0 for approval.**

**MOTION TO APPROVE the Seafood Festival was made by Councilwoman Barnebey seconded by Councilman Roff and carried 4-1 for approval.** (Due to Councilman Golden's religious beliefs regarding alcohol he voted in opposition to the motion.)

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**VILLAGE OF THE ARTS – The Artists' Guild and Merchants' Association is requesting approval for a St. Patrick's Day Parade and Celebration in the Village of the Arts on Saturday, March 15, 2008.**

Mr. Callahan stated that there could be some potential problems with the road closure requests as the Pittsburgh Pirates' Spring Training games could possibly be starting at this time, which would result in traffic and parking congestion. However, the spring training schedule had not yet been received.

**MOTION TO APPROVE the request from the Village of the Arts was made by Councilman Roff seconded by Councilwoman Barnebey and carried 5-0 for approval.**

Tim Polk

**RESOLUTION 07-55 / 2008-2010 CONSOLIDATED PLAN**

Tim Polk gave a brief overview of the 2008-2010 Consolidated Plan and the Department of Housing and Urban Development (HUD) objectives.

**MOTION TO APPROVE Resolution 07-55 was made by Councilman Golden seconded by Councilman Roff and carried 5-0 for approval.**

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**ONE STOP RESOURCE CENTER**

Tim Polk gave a brief background history of the events which had transpired and the requirements established for the proposed One Stop Resource Center project.

He referred to a letter which had been sent to the One Stop Resource Center applicant, Ms. Adell Erozer, Executive Director of the Community Coalition on Homelessness which terminated the sub recipient agreement. The applicant had appealed the department's determination to terminate CDBG funding. The applicant stated there had been delays in meeting the stipulation requirements due to several problems – the hiring of a construction manager and the development and signing of a sub recipient agreement with the county. Mr. Polk stated that after a meeting with the applicant the department was satisfied with the proposed project timeline.

**John McKay** gave a brief overview of the history of the center and the delays which had occurred due to dependence upon volunteer labor, challenges with the Request for Proposal (RFP), and by not having an architect and construction manager.

Questions were asked and answers given regarding the delays and funding for the Center.

Discussion: Homeless problems currently on 14<sup>th</sup> Street with concerns for transferring the problem to 9<sup>th</sup> Street. The desire to help create a solution to homelessness was through the center.

**MOTION TO NOT TERMINATE the sub recipient agreement to fund completion of the One Stop Resource Center was made by Councilman Golden seconded by Councilwoman Barnebey and carried 5-0 for approval.**

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**ATTAINABLE WORKFORCE HOUSING**

Tim Polk gave a brief overview of a previously distributed memorandum entitled “Next Steps to Attainable/Workforce Housing” which provided background of the program with the request and recommendation for action made by the Planning and Community Development staff.

He requested the acceptance of the proposed programs listed by Regulatory, Programmatic and Financial Items and to direct staff to proceed with the understanding that many of these items would require legislative approval prior to adoption.

Councilwoman Barnebey requested that the word “Sustainable” be added.

Councilman Golden had no objections.

**MOTION TO APPROVE the Affordable/Attainable/Sustainable Housing Workforce action items as presented be accepted and adopted was made by Councilman Golden seconded by Councilman Roff and carried 5-0 for approval.**

DEPARTMENT HEADS

**Carl Callahan:** Reported that the renovation of Pirate City and McKechnie Field was coming only very well.

Mr. Callahan reported that River Run Golf Course had hosted the Men’s Amateur Championship Tournament this past weekend and had received positive comments about the great shape of the course. He stated that the fees would stay the same and not increase like those of other courses in the area.

Mr. Callahan reported that early voting for the mayoral run-off race would take place in the council chamber next Monday, November 19<sup>th</sup> through Wednesday, November 21<sup>st</sup> from 8:30 a.m. to 4:30 p.m. The voting would be closed for Thanksgiving day, but would re-open Friday, November 23<sup>rd</sup> from 8:30 a.m. to 4:30 p.m. and Saturday, November 24<sup>th</sup> from 9:00 a.m. to 5:00 p.m. Election day would be Tuesday, November 27<sup>th</sup> at precincts only. He reminded everyone of the special meeting on Wednesday, November 28<sup>th</sup> at noon to certify the election results.

**Carolyn Moore:** Reported that students from St. Stephens Episcopal School would be attending the December 12, 2007 city council meeting to sing Christmas carols. She reported that the United Way campaign had begun and that the employees would again be sponsoring 150 foster children for Christmas.

Mrs. Moore stated that Great West Healthcare would be giving their year-end report on December 12<sup>th</sup>.

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Reported that this would be the fourth year in a row which would reflect a decrease in crime in the city limits.

**John Cumming:** Thanked the shuffleboard court members for their help in the clean up for that area.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

### ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 12:15 p.m.

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