

CITY COUNCIL MEETING
January 8, 2003

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on January 8, 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
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
Ruth Seewer, Development Review Manager
Staci Nelms, Information Technology Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Prayer was led by Councilman Golden.

Flag salute was led by Vice Mayor Weaver.

PRESENTATION:

**BRADENTON POLICE DEPARTMENT
PROMOTION**

Mayor Poston gave the Oath of Office to Preston Gajan who pledged to perform the duties of a Police Lieutenant.

John Ormando recognized the following employees:

November Employee of the Month, **Steve Sibert**, Engineering Department.
December Employee of the Month, **Harry Hicks**, Roads & Street Department.
Supervisor of the Quarter (October – December), **Brett Page**, Water Treatment Plant.
Team of the Quarter (October – December), **Jose Chavez**, Recycling Department.
Employee of the Year, **Nathaniel Davis**, Solid Waste Department.

PROCLAMATION:

FLORIDA ARBOR DAY PROCLAMATION

Mr. Callahan read the proclamation proclaiming January 17, 2003 as Florida Arbor Day.

DOWNTOWN DEVELOPMENT AUTHORITY
Crepe Myrtle Program

Bill Theroux gave a brief overview of the Crape Myrtle Tree Program which was part of the Master Tree Plan for the Downtown Central Business District. He stated the program would be focusing on commercial properties, neighborhoods, and city owned or state right-of-ways.

Questions were asked and answers provided.

Councilwoman Barnebey voiced her concern for disease and for the ambiance when the trees shed their leaves. She stated that she wasn't totally against using Crepe Myrtles.

Councilman Smith stated he supported the plan with the combination of other plants.

Councilman Gallo stated he supported the plan and hoped that with the new hybrid Crepe Myrtles that they would hold their color longer throughout the year.

No action was needed.

Antique Overlay District

Bill Theroux gave a brief overview of the Antique Overlay District draft which encouraged a mix of commercial and residential uses within a designated area.

Councilman Gallo stated he could not support the overlay district draft as submitted. He voiced his concern with taking the boundary to the river. He was in favor bringing the boundary to 2nd Avenue East, to the south property line of lot 6 across 9th Street and continue the property line to the marina.

Councilman Smith stated he had spoken to several neighbors regarding the boundaries and voiced his concern for creating the district large enough to make it worthwhile. He was in agreement with Councilman Gallo and suggested eliminating the three (3) lots facing Riverside Drive.

Discussion: Concerns for a church on the corner of Manatee Avenue East and 9th Street.

(Tape 1, side 2)

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

Les and Jackie Atwood, 1010 Riverside Drive East, **Ken McDonald**, Riverside Drive East, **Pat Cline**, 910 Riverside Drive East spoke in opposition of the Antique Overlay District boundaries down to Riverside Drive stating it would cause parking problems and would place a strain on the surrounding area.

Joseph Vermeren, seeking to open a business in the area spoke in favor of the antique district as he was interested in operating a photography studio and gallery abutting the new marina.

Lengthy discussion: Proposed Antique Overlay District site plan and zoning issues.

Councilman Gallo requested that the Downtown Development Authority contact the property owners (not the residence) north of Manatee Avenue who would be affected by designing the Antique District and then return to Council with the results.

Motion to table this issue was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 4-1 with Councilman Smith in opposition.

PUBLIC COMMENTS:

No one came forward.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Councilman Gallo thanked Mayor Poston for the Centennial Expo at the auditorium. He stated the citizens he had spoken with voiced their excitement with the direction that the City of Bradenton was headed.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey stated that there were several meetings throughout the County for anyone who was interested in learning more about the Neighborhood Grant Enhancement Program.

Mayor Poston asked each Council member to be responsible for being the contacts in their wards as to awareness of this grant. He requested the Council contact organizations who could benefit by this program and commented that it was \$2500 available money for neighborhood enhancement.

Vice-Mayor Michele Weaver, Ward III

Vice Mayor Weaver thanked Mayor Poston for the Expo that began the centennial festivities in celebrating the City of Bradenton's 100th Birthday.

Councilman Bemis Smith, Ward IV:

Nothing to report.

Councilman James Golden, Ward V:

Councilman Golden thanked Police Chief Radzilowski for the new Bradenton Community Work Station at the Avondale Apartment Complex.

Councilman Golden invited everyone to come and join the dedication of the new Martin Luther King Jr. Park on Friday, January 17, 2003.

Councilman Golden stated there would be a dedication for the median improvements on January 17, 2003 at the bridge on Manatee Avenue east of 27th Street East.

Councilman Golden requested to explore the Juvenile Program Grant which was federally funded to be used in the Community Development Block Grant area.

Mayor Poston advised Councilman Golden to contact Jeana Winterbottom regarding the grant.

Mayor Poston:

Mayor Poston stated that Councilman Golden would be honored and would receive the "Community Service Award" at the park dedication on January 17, 2003.

(Tape 2, Side 1)

Carl Callahan drew two names submitted from a drawing at the Centennial Expo. A putter was won by Sally Eaton and a golf bag was won by Bill Mergens.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

**M-CPA-02-11 SECOND READING OF AN ORDINANCE PUBLIC HEARING
Request of the City of Bradenton for a Small Scale Comprehensive Plan amendment to change the Future Land Use Map Designation from Residential 10 to Industrial and from Commercial to Industrial for the area located between 9th Avenue and 11th Avenue East and 10th Street to 13th Street East.**

Mayor Poston continued the public hearing from December 18, 2002 and requested anyone wishing to speak in favor of the request to please come forward.

Diane Chadwick, Senior Planner with Wilson Miller representative for Tropicana Products, Inc. gave a brief overview of 9.2 acres surrounding the existing Tropicana Complex. She requested approval of the Small Scale Comprehensive Plan amendment change.

Alan Prather, attorney representing Tropicana Products, Inc. answered questions relating to the subject property.

Mr. Prather asked Mayor Poston, Council members and staff if they had received any letters or emails in opposition of the request. They answered that they had not.

Discussion: Truck traffic on 13th Avenue East.

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

Mayor Poston closed the public hearing.

Ruth Seewer, Development Review Manager stated that the Planning Commission recommended approval with the following three (3) stipulations:

1. The proposed amendment was consistent with the intent of the Comprehensive Plan, as indicated.
2. The proposed amendment would create a more consistent Industrial District boundary, while eliminating a small, isolated enclave of vacant and residential properties.
3. The proposed amendment may increase economic development opportunities within the Community Development Block Grant Target Area.

She stated the Planning Staff recommended approval of the request.

Motion to approve the ordinance with the recommendation made by the Planning Commission and Planning Staff for a Small Scale Comprehensive Plan amendment was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

**M-CPA-02-13 SECOND READING OF AN ORDINANCE PUBLIC HEARING
Request of the City of Bradenton for a Small Scale Comprehensive Plan amendment to change the Future Land Use Map Designation from Residential 10 to Commercial for the property located on the east side of 15th Street West between 9th Avenue and 17th Avenue West.**

Mayor Poston continued the public hearing from December 18, 2002 and requested anyone wishing to speak in favor of the request to please come forward.

Jerry Zoller, architect 914 14th Street West and board member serving on the Planning Commission stated he abstained from voting on this issue at the Planning Commission meeting as he was a property owner on 14th Street.

Mr. Zoller voiced his concern for the need of redevelopment on 14th Street. He discussed the boundaries and existing structures subject to the amendment change. He stated in his opinion the change would be an asset to the City.

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

Mayor Poston closed the public hearing.

Ruth Seewer, Development Review Manager stated that the Planning Staff recommended denial of the request based on the following:

1. The proposed amendment was not consistent with the Comprehensive Plan.
2. There may be alternative solutions to the proposed amendment, which would be considered as part of the 14th Street West redevelopment initiative.
3. Other similar requests had not been approved by City Council.

Ms. Seewer stated that the Planning Commission denied the request.

Councilman Gallo voiced his concern that 14th Street had died and that there were unwanted activities happening on 14th Street. He stated that the most important thing to remember is that this Council was in total control of any development that would affect 15th Street.

Vice Mayor Weaver stated she did not completely disapprove of the amendment however she voiced her concern for the property abutting 15th Street regarding any impact to the residential houses on the west side of 15th Street.

Discussion: Commercial 1 (C1) zoning clarification listing residential, multi-family, low intensity commercial uses as professional offices, doctor offices and retail stores. (C1) did not include auto repairs or any kind of auto work. Convenient stores would require a special exception approval.

Ms. Seewer explained that previously the Council directed Planning Services to rezone this property from residential to commercial 1. She stated because the proposed Comprehensive Plan Amendment was inconsistent with the Future Land Use Element goals, objectives, and/or policies recommendations prohibited the Planning Staff and Planning Commission approval to rezone the area. Before the rezone could be passed the Comprehensive Plan Amendment had to be done. She stated that the Council could override the decision of the Planning Staff and Planning Commission. She commented that the Comprehensive Plan amendment would be forthcoming at the January 22, 2003 Council meeting.

Discussion: Concerns with voting against the policies of the Planning Staff and Planning Commission. To continue this issue to the next meeting.

Motion to approve the ordinance with the recommendation made by the Planning Commission and Planning Staff was made by Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

Mr. Callahan read the following:

SE-02-25 WARD 5 NEIGHBORHOOD 1.03\1.04 PUBLIC HEARING
Request of Luis A. Rodrigues, property owner, for special exception approval to operate an automotive sales establishment on the property located at 1704 9th Street West (Zoned C-3).

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

Luis A. Rodrigues, property owner gave a brief overview of his business establishment and the upgrading he had already done to the property. He stated he would not be doing any automotive repairs or body work to vehicles on the premises.

(Tape 2, side 2)

Ms. Seewer stated since the property had been vacant for over one year and was non-conforming then a request would require a special exception and would have to be brought up to code.

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

Ruth Seewer stated the Planning Staff recommended approval of the request with the following **stipulations**:

1. The access drives would be defined with curbing and landscaping, at a reduced inside measurement of 24 feet.
2. The neon lighting would be removed from the structure.
3. The buffers along 17th Avenue West and 9th Street West would be according to the submitted site plan.
4. The dumpster location would be determined by the Sanitation Department and would be adequately screened and landscaped as required by code.

Ms. Seewer stated that the Planning Commission recommendation approval with the following **stipulations**.

1. The access drives would be defined with curbing and landscaping, at a reduced inside measurement of 24 feet.
2. The neon lighting would be removed from the structure.
3. The buffers along 17th Avenue West and 9th Street West would be according to the submitted site plan.
4. The applicant has approval to move cars to the site.
5. The applicant had 60 days to bring the property into compliance.

Ms. Seewer stated the applicant had already complied with most of the stipulations.

Mayor Poston closed the public hearing.

Motion to approve the request with the recommendation made by the Planning Commission and Planning Staff was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

P\PDP-02-18 WARD 1 NEIGHBORHOOD 11.03 PUBLIC HEARING
Request of James Farr of George F. Young Inc, as agent for Landmark Companies, for approval of a 340 unit residential planned development project to be known as Villages at Cortez on the property located at 4850 51st Street West (Zoned PDP).

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

James Farr, George F. Young Inc. gave a brief presentation and displayed renderings of the development site plan. He introduced Francisco Rojo, representing Landmark Companies, John Moody, Architect with Swan Moody, Frank Foran, Professional Engineer with George F. Young and Steve Thompson, attorney for the project.

Mr. Farr stated that the development was a quality project and requested approval.

Questions were asked and answers given.

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

Mayor Poston closed the public hearing.

Ruth Seewer stated the Planning Staff and Planning Commission recommendation approval of the request with the following **stipulations:**

- 1) The applicant submit all required information as indicated in the report. The City Department of Development Services would submit the list of information required.
- 2) The landscape architect would work with the City of Bradenton to ensure the plan met all requirements and would revise the plan as necessary for the City Council meeting.
- 3) No disturbance shall occur within the 35-foot vegetative wetland buffer, and would meet the other requirements as per the Southwest Florida Water Management District and City of Bradenton codes.

Mr. Callahan read the following:

FIRST READING OF AN ORDINANCE
AN ORDINANCE AMENDING ORDINANCE NO. 2685 WHICH ORDINANCE GRANTED A NON-EXCLUSIVE FRANCHISE AGREEMENT TO PEOPLES GAS SYSTEM BY AMENDING THE EFFECTIVE DATE OF SAID ORDINANCE.

Mr. Callahan stated that this ordinance would correct any confusion regarding the effective date.

No discussion followed.

Motion to approve the first reading and set the second reading and public hearing for January 22, 2003 was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

Family Resources is requesting on March 8, 2003 their annual fund raising event "Run for Runaways" from 7:00 am to 10:30 am.

No discussion followed.

Motion to approve the request was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Mr. Callahan read the following:

Potable ASR Program (K 114) Bid Recommendation

Mr. Callahan stated that Jones, Edmunds & Associates, Inc. recommended the lowest responsible bid to Hausinger & Associates, Inc. with the total base bid plus allowance of \$916,570.00.

John Cumming stated that this was a treated ASR well located at the tanks and pump station on First Street.

Motion to approve the recommendation made by Jones, Edmunds and Associates, Inc. was made by Vice Mayor Weaver, seconded by Councilman Gallo and carried 5-0 for approval.

Mr. Callahan read the following:

**Florida Department of Transportation/Manatee Avenue West Project
Local Agency Program (LAP) Agreement**

John Cumming stated that this was a standard agreement from the Florida Department of Transportation for improvements on Manatee Avenue West in the amount of \$3,369,000. He stated that this was a grant for 100% of the project and recommended approval.

No discussion followed.

Motion to approve the recommendation made by John Cumming was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 5-0 for approval.

Mr. Callahan read the following:

**Emergency Roof Repair
Purchasing Department**

Carl Callahan stated he was requesting an emergency roof repair at the Purchasing Department and commented that this matter had been suspended for several years due to budget restraints. He stated the roof needed immediate attention and recommended Sutter Roofing to perform the work at a cost of \$24,258.00.

Motion to approve the recommendation made by Carl Callahan was made by Councilman Gallo, seconded by Councilman Golden and carried 5-0 for approval.

Larry Frey

**Demolition
1037 8th Street West**

Carl Callahan stated that Larry Frey requested approval to perform a demolition and impose a lien at 1037 8th Street West.

Bill Lisch requested anyone to speak on this issue to please come forward. No one came forward.

Motion to approve the request was made by Councilman Golden, seconded by Councilman Gallo and carried 5-0 for approval.

DEPARTMENT HEADS:

Carl Callahan

Nothing to report.

Chief Souders

Nothing to report.

Staci Nelms

Nothing to report.

Chief Radzilowski

Chief Radzilowski stated he was expanding the police vice enforcement program to all the wards and commented that the program would be patterned after the recent sting on 14th Street.

Discussion: State law requirements with geographical displacement as to the civil rights issue regarding prostitution and drugs matters. Request for Bill Lisch to review this issue.

John Cumming

Mr. Cumming stated that the Florida Department of Transportation was beginning a resurfacing project on 9th Street West south of the bridge to 8th Avenue West over to 14th Street West.

Mr. Cumming stated that all private utilities had been removed for the 3rd Avenue extension and that the project could now proceed.

Mr. Cumming stated that the Waterfront Park project was moving smoothly and the Capetown Drainage project would begin this week.

Mr. Cumming stated that he was addressing several capital improvement repairs on various large sewer lines that would piggy back with Manatee County.

Bill Lisch

Mr. Lisch read the following:

A RESOLUTION OF THE CITY COUNCIL OF BRADENTON, FLORIDA, APPROVING A LOCAL AGENCY PROGRAM AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT PROJECT NUMBER 408067-1; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

Motion to approve the resolution was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Ruth Seewer

Ms. Seewer reported on the Monk Building stating that trusses should be set and the concrete floor should be poured by the end of the week.

Mayor Poston

Mayor Poston nominated Councilwoman Weaver as Vice-Mayor for 2003.

No discussion followed.

Motion to approve the nomination was made by Councilman Gallo, seconded by Councilman Smith and carried 5-0 for approval.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 11:30 a.m.

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