

**CITY COUNCIL MEETING
February 10, 2010**

APPROVED BY
March 10, 2010
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 Wednesday, February 10, 2010 at 8:30 a.m.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Vice Mayor Ward V Harold E. Byrd, Jr.

City Officials: Carl Callahan, City Clerk and Treasurer; Claude Tankersley, 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 Bradenton Times.

The meeting was called to order by Mayor Poston.

Ecumenical invocation was led by Pastor Don Sturiano, Kingdom Life Christian Church.

Mayor Poston announced that the Charter Review, under Councilman Gallo's business, had been removed from the agenda.

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.

CONSENT AGENDA

In reference to item d, Mr. Callahan commented that there were some minor details to be worked out for the Pittsburgh Pirates' Pirate Fest, but that there was sufficient time to do so prior to the event.

- a) Approval of minutes of January 27, 2010
- b) Public Event – Care Net Manasota's Walk for Life, Saturday, May 8, 2010
- c) Public Event – Manatee County CROP Hunger Walk, Sunday, February 28, 2010
- d) Public Event – Pirate Fest, Saturday, May 27, 2010 with 9th Street closure
- e) Request from the City of Palmetto for Mayor Poston to sign off on FDOT permit application to close the Green Bridge for the 4th of July fireworks event on 7/4/10

MOTION TO APPROVE the Consent Agenda items a – e was made by Councilwoman Barnebey, seconded by Councilman Roff, and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

LU-09-0044

Request of the City of Bradenton for certain Land Use Regulation amendments based on the Comprehensive Plan EAR Based amendments, including but not limited to land use atlas designations, development standards, tree protection, level of service standards, design and compatibility standards, public art murals, lighting, signage, food and ice vending, and definitions.

SECOND READING OF ORDINANCE 2913 RS

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR THE ADOPTION OF LAND USE REGULATIONS AND LAND USE ATLAS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CHANGES IN THE PERMITTED, CONDITIONAL OR PROHIBITED USES OF VARIOUS LAND USE ATLAS DISTRICTS/CATEGORIES; PROVIDING FOR ADOPTION OF THE OFFICIAL LAND USE ATLAS; PROVIDING FOR GENERAL PROVISIONS; PROVIDING FOR ADMINISTRATION AND PROCEDURES, PROVIDING FOR DISTRICT REGULATIONS; PROVIDING FOR GENERAL REGULATIONS; PROVIDING FOR ACCESSORY USES AND STRUCTURES; PROVIDING FOR SIGNAGE; PROVIDING FOR DESIGN GUIDELINES; PROVIDING FOR LIGHTING GUIDELINES; PROVIDING FOR DEFINITIONS; PROVIDING FOR AUTHORITY TO PROMULGATE RULES AND REGULATIONS IMPLEMENTING AND INTERPRETING THE LAND USE REGULATIONS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The public hearing was opened to anyone wishing to speak in favor of this issue.

Ruth Seewer gave a presentation of the changes which were being proposed. Ruth displayed a rendering of the LUR map and gave an overview starting with the EAR report and the specific changes which would be employed to assist in achieving the city’s desired goals, objectives, and policies of land development.

Discussion: Specifics regarding the establishment of standards for outdoor lighting, public art, and emergency vehicle access would be added and/or expanded.

Ann Wykell, DDA Public Art Coordinator, expressed her encouragement about the proposed new standards which would define public art and allow the creation of murals in specified areas, which would meet a goal of Realize Bradenton, which was to get the public involved in art.

Johnette Isham, Realize Bradenton Executive Director, expressed her enthusiasm to see the proposed Land Use Regulation changed as they would enhance Bradenton’s attractiveness to the high wage creative class and would be helpful in promoting quality cultural events.

The public hearing was opened to those in opposition.

Elaine Cullis, speaking also on behalf of Cindy Gerstenberger and Maureen Sterns of 3808, 3812, and 3902 First Avenue West, respectively, thanked the Planning & Community Development staff for adding language to the plan to include commercial in section 7.7.2 per their request.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report with the staff recommendation for approval with 12 stipulations as follows:

1	4	2.1.2.1.	Add new Section C requiring Planning Commission members to live, work, or have a specific interest in the City of Bradenton
2	46	3.2.1.2.	Allow Mixed Use/Home Occupation in Urban Commercial Corridor
3	68	3.4.5.5.	Change requirement for special event signage in the VOAD to allow installation 3 weeks prior to the event. Current proposal is for 2 weeks.
4	77	4.1.3.2	Street standard right-of-way and pavement width. Allow flexibility in pavement width for neo-traditional developments with approval of the Public Works Director and Planning and Community Development Director
5	84	4.1.4.4.d .iii	Regarding foundation landscaping, alternative landscaping in the UC and UCBD is subject to approval of the PCD Director, due to zero setback.

6	114	5.5.4.16	District Theme or Event Sign, allow installation 3 weeks before, removal 2 days after, exempt recurring events from the time limitation.
7	123	6.0	Design Guidelines, add new Section B to require new development and redevelopment of buildings with 2 or more living units to be subject to design review, renumber B,C,D and E to C, D, E and F.
8	138	7.7	Add verbiage, <u>Commercial Stadium</u> and <u>Public Recreation Lights</u> .
9	138	7.7.2	Add sentence "With the exception of Commercial Stadiums" in reference to lighting activities.
10	139	7.9.1	Add verbiage to allow discretion by the PCD Director for requirement of photometric diagrams
11	156	Def.	Public Art Mural, eliminate prohibition of mechanically produced or computer generated prints or images, and electrical components.
12	159	Def	Eliminate verbiage restricting design of District Theme or Event signs.

Staff recommendation: Adopt Ordinance 2913 with amendments 1-12.

MOTION TO APPROVE LU-09-0044, ORDINANCE 2913 with the recommendation made by the Planning and Community Development staff with 12 stipulations, was made by Councilman Smith, seconded by Councilman Roff, and passed 5-0 for approval.

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**SECOND READING OF ORDINANCE 2914 PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM; AMENDING SECTIONS 1 THROUGH 29 INCLUSIVE OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

The public hearing was opened to anyone wishing to speak in favor of this issue. No one came forward.

The public hearing was opened to those in opposition. No one came forward. The public hearing was closed.

**MOTION TO APPROVE ORDINANCE 2914 was made by Councilman Roff, seconded by Vice Mayor Byrd, and passed 5-0 for approval.**

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SU.09.0071 WARD 5 NEIGHBORHOOD 7.03 RS PUBLIC HEARING

Request of Harry Bakker, agent for HTB Properties, owner; for a Special Use to allow an automotive repair establishment at 704 Manatee Avenue East (zoned C-1).

The public hearing was opened to anyone wishing to speak in favor of this issue. It was noted that a person who did wish to speak on the issue would not be available until 9:30 a.m.

MOTION TO TABLE the public hearing of SU.09.0071 WARD 5 NEIGHBORHOOD 7.03 RS until 9:35 a.m. was made by Councilwoman Barnebey, seconded by Vice Mayor Byrd, and approved 5-0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Tim Polk

RESOLUTION NO. R-10-01

A RESOLUTION APPOINTING **PETER KEENAN** TO THE **PLANNING COMMISSION** FOR THE CITY OF BRADENTON, FLORIDA, AND DEFINING HIS TERM.

MOTION TO APPROVE RESOLUTION NO. R-10-01 was made by Councilwoman Barnebey, seconded by Councilman Roff, and passed 5-0.

Councilman Gene Gallo

City Clerk and Treasurer Job Description

Discussion: Clarification that the additional duties that were being added to the City Clerk's and Treasurer position would not involve more staff or salary.

MOTION TO APPROVE the expansion of the City Clerk and Treasurer Job Description was made by Councilman Gallo, seconded by Councilman Smith, and passed 5-0 for approval.

Charter Review was removed from agenda.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilwoman Marianne Barnebey, Ward II: Recently had an opportunity to join with area employers to observe their employees who are members of the Florida National Guard and Reserve Group in an intensive training exercise in Ft. Hood, Texas, designed to prepare them for duty in Afghanistan and Iraq. Councilwoman Barnebey presented a plaque issuing a statement of support for the guard and reserve and signed by the mayor which will be hung in a prominent location in City Hall.

Councilman Patrick Roff, Ward III: Had attended the 10th anniversary celebration of the Village of the Arts. Councilman Roff congratulated the group on reaching this milestone and the organizers of the celebration for doing a fine job.

He referred to an article which had appeared in the Herald Tribune about the need for a new economic resource other than the real estate sector. Councilman Roff believed that the resource will come from the creative class. The article stated that our area had one of the highest percentages of performing artists short of Manhattan. The Bradenton Herald stated that Manatee County was poised for growth in bio-tech and renewable energy fields. This, too, was a creative class which will want to have access to the arts. He feels that the city of Bradenton was going in the right direction.

Councilman Bemis Smith, Ward IV: Nothing to report.

Vice Mayor and Councilman Harold Byrd, Jr., Ward V: Nothing to report.

Mayor Wayne Poston: Looking forward to Spring Training!

MOTION TO REMOVE from the table of SU.09.0071 with public hearing request of Harry Bakker, agent for HTB Properties, owner; for a Special Use to allow an automotive repair establishment at 704 Manatee Avenue East (zoned C-1) was made by Councilwoman Barnebey, seconded by Councilman Smith, and approved 5-0.

The public hearing was opened to anyone wishing to speak in favor of this issue.

Harry Bakker, 8005 17th Avenue West, gave an overview of his request to bring in a franchise establishment by the name of "To the Lube," a car repair service.

The public hearing was opened to anyone wishing to speak in opposition. No one came forward. The public hearing was closed.

Tim Polk gave the staff report with the staff recommendation for approval with 4 stipulations as follows:

1. No outdoor storage was permitted.
2. No work would be done outside, except that minor repairs such as battery or cable change replacements may be done under the canopy of the easternmost building.
3. Hours of operation would be maintained as requested in this application.
4. Upgrade the landscaping on the south and east side. Landscaping materials would be subject to the approval of the Planning and Community Development Director.

The Planning Commission recommendation for approval with the 4 stipulations as recommended by staff and added stipulation #5 as follows:

5. Remove the storage areas at the rear of the building.

MOTION TO APPROVE SU.09.0071 with 5 stipulations with the recommendations made by the Planning and Community Development staff and Planning Commission was made by Councilman Byrd, seconded by Councilwoman Barnebey, and passed 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: The lease of the Manatee County Historic Records Library on 14th Street West and 4th Avenue had expired. Mr. Callahan requested approval of a six-month extension of the existing terms and conditions until a new lease could be put in place.

Questions were addressed about building repairs. Details would be worked out in the new lease.

MOTION TO APPROVE a 6-month extension of the existing terms and conditions of the current lease with the Manatee County Historic Records Library was made by Councilman Smith, seconded by Councilwoman Barnebey, and approved 5-0.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Deputy Chief Tokajer: Reported that there had been an influx of scammers claiming to be Bright House or Verizon employees who were knocking on doors to gain access into residences. He cautioned residents to demand identification.

Claude Tankersley: Stated that FPL was doing tree trimming along the Point Pleasant area and east of 9th Street West. The city website had this information available. The Tree Board would also be advised.

Tim Polk: Had been holding conversations with FPL, Public Works, and Manatee County about how best to trim trees.

Bill Lisch: Nothing to report.

Carolyn Moore: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 9:42 a.m.

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