

**APPROVED BY
MAY 12, 2004
CITY COUNCIL**

**CITY COUNCIL MEETING
March 24, 2004**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on March 24, 2004 at 6:00 p.m.

Present: Councilwoman Ward II Marianne Barnebey, Councilwoman Ward III Michele Weaver, and Vice-Mayor 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, Development 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 Mario Ciambro, Christian Missionary Alliance.
Flag salute was led by Vice Mayor Golden.
Councilman Gallo and Councilman Smith were excused from the meeting.

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FOR MARCH 10, 2004.

No discussion followed.

MOTION TO APPROVE the March 10, 2004 minutes was made by Vice Mayor Golden/Councilwoman Weaver carried 3-0 for approval.

PROCLAMATION:

FAIR HOUSING MONTH – APRIL, 2004

Jeana Winterbottom, Grants & Assistance Administrator accepted the proclamation.

NATIONAL COMMUNITY DEVELOPMENT WEEK - APRIL 12 THROUGH APRIL 18, 2004

Jeana Winterbottom, Grants & Assistance Administrator accepted the proclamation.

PRESENTATION:

JUDICIAL CENTER PARKING GARAGE

Rick Fawley, Fawley Bryant Architects in association with JEA-Jones, Edmunds & Associates, Inc., Consulting Engineers and Scientists gave a brief power point presentation of various “Key Design Issues” for the parking garage covering: Functional Requirements and Goals, Minimize Traffic Impact, Security, Aesthetic compatibility and Flexibility.

Mayor Poston stated that this was the first draft concept to be presented to the Council and to the public. There would then be a public hearing for a Council workshop with the Manatee County Commissioners, Florida Department of Transportation-FDOT, Manatee County Area Transit-MCAT and any of the downtown businesses interested in discussing the various options that were available.

Questions were asked and answers given on the building design related with the Judicial Center and process for public input.

Mr. Callahan commented that the County had recently requested 500 spaces and that the City could now proceed with the process.

Booklets of the presentation would be available in the City Clerk's Office.

ACTION: A workshop would be set up by Rick Fawley and Carl Callahan. Vice Mayor Golden requested the workshop to be held at the First United Methodist Church in Ward V.

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

PUBLIC COMMENTS:

Selma Zislis, Palma Sola Park resident, (submitted a petition from 36 residents in Palma Sola) **Peter Dzwban**, Flamingo Cay resident, (submitted a petition from 22 residents in Flamingo Cay) and **Dr. Don Smith**, Palma Sola Park resident voiced their concerns for the on-going nuisance problem regarding excessively loud noise generated from outdoor speakers at Bongo's Restaurant.

Carol Stronstroff, Patients Right Advocate voiced her concern that Blake Hospital and other businesses associated with Blake Hospital were not complying with the permitting process for occupational licenses.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I: Excused from the meeting.

Councilwoman Marianne Barnebey, Ward II: Stated that she would be helping "Meals on Wheels" with their fundraising efforts.

Vice-Mayor Michele Weaver, Ward III: Nothing to report.

Councilman Bemis Smith, Ward IV: Excused from the meeting.

Councilman James Golden, Ward V: Thanked Bill Lisch, City Attorney, Jeff Burton, Planning Manager and Jerry West, Central Community Redevelopment Agency Executive Director for their presentation at the Western Regional meeting of the Florida Black Caucus of Local Elected Officials.

Mayor Poston: Stated that he had recently been lobbying in Tallahassee for the Manasota League of Cities. He stated that it was incumbent for local government to initiate and be involved with the lobbying process in Tallahassee.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

**7a. CPA-M-04-04 WARD 1 NEIGHBORHOOD 12.04B LF SECOND READING
PROPOSED ORDINANCE #2754 PUBLIC HEARING**

Request of Robert Schmitt, AICP, Land Planning and Associates, agent for Alfred Parente, owner, for approval of a small scale Comprehensive Plan Amendment to change the Future Land Use Map Designation from Commercial to Residential-10 or other appropriate designation for the property located at 9915 Manatee Avenue West. (Zoned C-2)

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 9915 MANATEE AVENUE WEST, 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 CPA-M-04-04) CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL TO RESIDENTIAL-10; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearing opened. Those in favor.

Bob Schmitt, President of Land Planning Associates gave a brief overview of the request to change the Future Land Use Map Designation for the property known as Bongo's Restaurant. He proposed a revision to the original designation request from 15 units to 10 dwelling units per acre of the 1.32 + acre parcel.

Discussion: Current noise problems with the existing Bongo's Restaurant. Traffic density and the trip generation study.

Larry Frey gave the staff report and stated that the Department of Development Services staff recommended approval for the Residential-3 designation. He stated that the Planning Commission recommended approval of Residential-10 and PDP. He stated that precedent had been established by the vacant property which was Residential-15 next to this parcel.

Those in opposition.

Arlene Fliszik, 24th Avenue West, a resident environmentalist, **Marilyn Stasica**, Palma Sola Boulevard resident and **Joan Perry**, representing Manasota 88, (submitted a letter) voiced their concern for preserving the environment, coastal high hazard area and hurricane evacuation route.

Michael Wood, Manatee County Planning Department, Comprehensive Plan Administrator, submitted a letter from the Manatee County Board of County Commissioners which stated that the Commissioners expressed their concurrence with the Department of Development Services staff position of Residential-3.

Public Hearing closed.

MOTION TO APPROVE the Department of Development Services staff recommendation of Residential-3 was made by Councilwoman Barnebey (Motion died for lack of second.)

MOTION TO APPROVE the Planning Commission recommendation of Residential-10 was made by Councilwoman Weaver/Vice Mayor Golden carried 2-1 with Councilwoman Barnebey in opposition.

(Recess for ten minutes)

**7b. LUR-AA-04-04 WARD 1 NEIGHBORHOOD 12.04B LF SECOND READING
PROPOSED ORDINANCE #2755 PUBLIC HEARING**

Request of Robert Schmitt, AICP, Land Planning and Associates, agent for Alfred Parente, owner, for approval of a Zoning Atlas Amendment to change the designation from C-2 to PDP or other appropriate zone for the property located at 9915 Manatee Avenue West. (Zoned C-2)

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-2 TO PDP (PLANNED DEVELOPMENT PROJECT) FOR THE PROPERTY LOCATED AT 9915 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor.

Bob Schmitt, President of Land Planning Associates requested approval of the Zoning Atlas Amendment.

Those in opposition. Hearing none. Public Hearing closed.

Larry Frey stated that the Department of Development Services staff and Planning Commission recommended approval of the request.

MOTION TO APPROVE the Department of Development Services staff and the Planning Commission recommendation was made by Councilwoman Weaver/Vice Mayor Golden carried 3-0 for approval.

**7c. LUR-AA-04-05 WARD 3 NEIGHBORHOOD 6.01 LF SECOND READING
PROPOSED ORDINANCE #2753 PUBLIC HEARING**

Request of the City of Bradenton for approval of a Zoning Atlas Amendment to change the designation from Multi Family Residential R-3A to Single Family Residential R-1C or other appropriate zone for the property located between Virginia Drive and 26th Street West, and 9th Avenue West to the north side of 6th Avenue West. (Zoned R-3A)

Proposed Ordinance # 2753

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 MULTI-FAMILY R-3A TO SINGLE FAMILY R-1C WITH AN EXEMPTION FOR THE PROPERTIES LOCATED AT 6TH AVENUE WEST TO 9TH AVENUE WEST BETWEEN WARE'S CREEK AND 26TH STREET WEST AND LEGALLY DESCRIBED.

Public hearing opened. Those in favor.

Patrick Roff, Virginia Drive, **Stephanie Watson**, 7th Avenue West, **Daniel Alexander**, 7th Avenue West, **Elmer Culver**, 7th Avenue West, **Wesley Freeman**, 7th Avenue West, **Benjamin Hooper**, 6th Avenue West and **Mark Moran**, 8th Avenue West voiced their

approval of the request stating with the added amendment in the ordinance would be good for the neighborhood and that many of the home owners were investing in renovating these beautiful older historical homes.

Those in opposition.

Carman Callan, owner of several rental houses, **Ruth Hess**, owner of several rental houses, **David Ferron**, 7th Avenue West (on behalf of his parents who have rental houses) voiced their opposition of the ordinance with concerns for their investments on owning rental properties in the area and with giving valuable service to renters who otherwise could not afford housing.

Discussion: Any existing multi-family units would stay but no new multi-family units could be built or existing homes altered into multi-family units. The zoning went with the property not the property owner.

Public hearing closed. Second public hearing would be on April 14, 2004.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

8a. Sacred Heart Church is requesting to hold a re-enactment of the Crucifixion on Friday, April 9, 2004 from 4:00 pm to 5:30 pm with street closures for 15-20 minutes at 16th Street W., 14th Avenue W., 15th Street W. and at the beginning and end of the procession on 12th Avenue W.

Mr. Wilson from Sacred Heart Church answered concerns from the Council regarding the time of the route.

MOTION TO APPROVE the request was made by Vice Mayor Golden/Councilwoman Weaver carried 3-0 for approval.

8b. A RESOLUTION reappointing Mary Runnells to the Tree Board for the City of Bradenton, Florida and defining her term.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilwoman Weaver/Councilwoman Barnebey carried 3-0 for approval.

8c. A RESOLUTION appointing Mattie Peterson to the Tree Board for the City of Bradenton, Florida and defining her term.

No discussion followed.

MOTION TO APPROVE the resolution was made by Councilwoman Weaver/Councilwoman Barnebey carried 3-0 for approval.

Chief Radzilowski

FORFEITURE FUNDS

EXPENDITURE REQUEST for a Crisis Response Rescue Telephone at a cost of \$5,000.00.

No discussion followed.

MOTION TO APPROVE the expenditure request was made by Vice Mayor Golden/Councilwoman Weaver carried 3-0 for approval.

DEPARTMENT HEADS:

Carl Callahan: REQUEST FOR APPROVAL of a lease agreement with SprintCom to place antennas/cellular equipment on the water tower located at 1801 17th Avenue West.

No discussion followed.

MOTION TO APPROVE the request was made by Vice Mayor Golden/Councilwoman Weaver carried 3-0 for approval.

Chief Souders: Announced that Mayor Poston, Carl Callahan, Assistant Chief Keller and himself would be visiting the Pierce Manufacturing, Inc. plant in Bradenton for inspection of two fire trucks being built for the fire department.

He thanked those who attended the dedication of renaming the Central Fire Station to the "Gallo Central Fire Station".

He stated the fire department would be doing a control burn on March 31, 2004. No address was given at this time.

Staci Cross: Announced that pictures of the Council members and Department Heads would be taken before the beginning of the City Council meeting on May 12, 2004 to update the pictures on the website.

She gave a brief update on the Eden HR/Payroll system which went on-line last week with the Utility Billing system starting next month.

Chief Razilowski: Stated that the police department was ticketing violators for playing excessively loud music in their vehicles.

John Cumming: Announced a coordinators meeting for the various downtown projects to be held on Monday, March 29, 2004 at 11:00 a.m. at the Central Fire Department. Those attending would be City Department Heads, Florida Department of Transportation-FDOT and consultants on all downtown construction projects.

He stated that Councilwoman Weaver, Seth Kohn and he attended a water alliance meeting where it was discussed that there were eighty-five (85) water projects proposed to supply this region.

He stated that wastewater and storm water improvements were needed throughout the City. He stated that a low interest State Revolving Loan Fund (SRF) administered by the Department of Environmental Protection-DEP was available for water, wastewater and storm water projects and requested permission to submit an application for funding of future water projects with no commitment at this time.

Mr. Callahan gave a brief detail of the funding process with time restraint.

NO ACTION WAS NEEDED.

Larry Frey:

Nothing to report.

Bill Lisch

Nothing to report.

ADJOURNMENT:

There being no further business, Mayor Poston adjourned the meeting at 9:15 p.m.

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