

CITY COUNCIL MEETING June 8, 2011

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on June 8, 2011 at 8:30 a.m.

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

City Officials: Carl Callahan, City Clerk and Treasurer/Chief of Staff; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Fire Chief; Michael Radzilowski, Police Chief; and Tim Polk, Department of Planning and Community Development Director.

Ecumenical invocation was led by Reverend Herb McMillian, First Church of the Nazarene. Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston.

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

- a) Minutes of May 25, 2011.
- b) Resolution 11-31/ Appointing **James Bruen** to the Code Enforcement Board.
- c) Resolution 11-32/ Reappointing **Gerry Fisher** and **Al Youmans** to the Code Enforcement Board.
- d) Resolution 11-33/ Reappointing **Irene Ingram** to the Central CRA Board.
- e) Resolution 11-34/ Reappointing **Donald Bingham** to the MPO Citizens Advisory Board.
- f) Resolution 11-35/ Reappointing **John Mantone** to the Fire Pension Board.
- g) Resolution 11-36/ Reappointing **Peter Keenan** to the Planning Commission.
- h) Ballard Park Water Main Replacement Contract Contingency Approval.
- i) FPL Operational Maintenance of 6 transmission poles with a street closure on 9th Street East, from 18th Street East to 23rd Street East from July 11, 2011 to August 2, 2011, (2 weeks) between the hours of 7 am and 4 pm.

Mr. Callahan asked that item (a) be removed as the May 25th minutes had not yet been reviewed by council.

MOTION TO APPROVE CONSENT AGENDA Items b – i was made by Councilman Smith, seconded by Councilman Byrd and passed 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SECOND READING OF PROPOSED ORDINANCE 2932

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR A CONTINUED ADMINISTRATION AND IMPLEMENTATION OF THE CITY OF BRADENTON RED LIGHT INFRACTION ENFORCEMENT PROCEDURES; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, anyone wishing to speak in favor please come forward, no one came forward. Anyone wishing to speak in opposition please come forward, no one came forward, the public hearing was closed.

Mr. Callahan stated staff recommended approval of Ordinance 2932.

MOTION TO APPROVE Ordinance 2932 with the recommendation made by staff was made by Councilman Gallo, seconded by Councilwoman Barnebey and passed 4-1 for approval with Councilman Smith in opposition.

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**SECOND READING OF PROPOSED ORDINANCE 2933 PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, READOPTING THE PROVISIONS OF ORDINANCE NO. 2917 WHICH ESTABLISHED A MORATORIUM ON PAIN MANAGEMENT CLINICS; PROVIDING FOR AN EXPIRATION AFTER ELEVEN (11) MONTHS; PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, anyone wishing to speak in favor please come forward, no one came forward. Anyone wishing to speak in opposition please come forward, no one came forward, the public hearing was closed.

Mr. Lisch stated the city's moratorium was expiring, and the adoption of Ordinance 2933 would extend the moratorium an additional 11 months. This ordinance would not affect the state law which would take effect July 1, 2011. But the state's database has not yet been implemented. He stated the city may have to come back at some time to adopt some regulations similar to those of Manatee and Sarasota counties.

**MOTION TO APPROVE ORDINANCE 2933 was made by Councilwoman Barnebey, seconded by Councilman Byrd and passed 5-0 for approval.**

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SECOND READING & ADOPTION OF PROPOSED ORDINANCE 2930 RS CONTINUED PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ADOPTION OF A FORM-BASED CODE LAND USE REGULATIONS (FBC); PROVIDING FOR TRANSECT DESIGNATIONS; PROVIDING FOR ARTICLES FOR IMPLEMENTATION, INCLUDING GENERAL PROVISIONS, NEW COMMUNITY SCALE PLANS, INFILL COMMUNITY SCALE PLANS, BUILDING SCALE PLANS AND URBAN STANDARDS, ARCHITECTURAL STANDARDS, THOROUGHFARE STANDARDS, LANDSCAPE STANDARDS, LIGHTING STANDARDS, LIGHT IMPRINT STORMWATER MANAGEMENT, SUSTAINABILITY, PUBLIC ART, DEFINITIONS AND APPENDICES; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was reopened, anyone wishing to speak in favor please come forward.

Ingrid McClellan, Executive Director of Keep Manatee Beautiful, stated that Article 7; *The Landscaping Standards* showed a positive move to improve the quality of life in the City of Bradenton. **Bob Egolf** and **Bill Swan**, Tree and Land Preservation Board, voiced their concerns that the invasive species list was changed from "prohibited" to "discouraged" although this was a state rule, they were still in favor of the ordinance. **Ann Wykell**, Downtown Authority Public Art Advisory Board Coordinator stated she supported the Public Art section of the code and **Scott Tibbetts**, investor and property owner, stated he had been previously in opposition but with the proposed changes, was now in support.

Anyone wishing to speaking in opposition please come forward.

Adam Buskirk, Planning Commission Boardmember, stated that the FBC with its architectural requirements, had caused a negative burden upon the private enterprise and was thus discouraging investors from investing in Bradenton. **Michael Miller**, Landscape Designer, and Anna Maria resident and advocate to get rid of invasive vegetation, **David Feagles**, Florida Native Plant Society, each voiced their concerns that the landscape section should be considered separately as Bradenton's unique characteristics had a "sense of place landscape" which was the placement of

natural landscape to recreate the natural identity of the area, which was being overlooked. A website was referenced www.perfectisland.us which listed Florida native plants that were not on the FBC recommended list. Concerns were expressed about the change in the invasive species list from "prohibited" to "discouraged" with the need for more consideration to the invasive list.

The public hearing was closed.

Andrew Georgiadis, DoverKohl consultant, gave a brief background of how the decision made to change the invasive list from "prohibited" to "discouraged" with the state statute prohibiting local communities from prohibiting anything beyond what was on the state's official list unless grandfathered in. He agreed with Mr. Miller regarding Bradenton's unique characteristics and stated that in previous charrette's the question had been raised as to the natural placement of plants native to Bradenton with most of the attendees stating they wanted to use statewide species to showcase in their landscape.

Councilman Gallo stated he would not support a motion to approve the FBC ordinance as he felt it would be too regulatory, too invasive, and too intrusive. He supported certain sections of the code, but not the whole FBC.

Bill Lisch stated a provision had been added on Table 7, Page 4.21 to read: "Single Family detach to the T5 zone."

MOTION TO APPROVE ORDINANCE 2930 with the added provision made by Bill Lisch was made by Councilwoman Barnebey, seconded by Vice Mayor and Councilman Roff and passed 4-1 for approval with Councilman Gallo in opposition.

SU.11.0088 WARD 2 NEIGHBORHOOD 4.06 RS PUBLIC HEARING

Request of Liz Abernathy, agent for Ronald Benderson Trust, owner, for approval of a convenience store to be located at 4330 Cortez Road West (zoned SCC).

The public hearing was reopened, anyone wishing to speak in favor please come forward.

Liz Abernathy, Planner with WilsonMiller requested approval of a special use permit for a 7-11 convenient store at 4330 Cortez Road West. She agreed with staff recommendations and would answer any questions council may have.

Anyone wishing to speak in opposition please come forward no one came forward the public hearing was closed.

Tim Polk gave the Planning and Community Development staff report as follows:

STAFF RECOMMENDATION: APPROVAL with the following (3) stipulations:

1. The trees on the east side of the building would not be removed.
2. Deliveries would be as specified on the site plan received May 9, 2011, and would be coordinated with the existing businesses in the shopping center to avoid deliveries during peak operating hours.
3. Public Works, Fire Department and Police Department comments referenced in this report would be adhered to as a condition of operation.

PLANNING COMMISSION RECOMMENDATION (May 18, 2011): APPROVAL with the stipulations recommended by the Planning and Community Development staff.

Councilwoman Barnebey requested that no middle of the night deliveries be made.

MOTION TO APPROVE SU.11.0088 with the recommendations made by the Planning and Community Development staff and Planning Commission with (3) stipulations was made by Councilwoman Barnebey, seconded by Councilman Byrd and passed 5-0 for approval.

MA.11.0028 WARD 4 NEIGHBORHOOD 1.01 RS

PUBLIC HEARING

Request of Millard Yoder, agent for Promenade At Riverwalk II, LLC, owner, to amend the existing approved planned development to allow a three-story 152 unit residential building with two levels of parking for the property located at 606 3rd Avenue West (zoned UCBD).

The public hearing was reopened, anyone wishing to speak in favor please come forward.

Ed Vogler representing the applicant, requested to modify the existing approved planned development of a 14-acre parcel on the west side of the railroad track.

He gave an overview of a site plan amendment showing the location of the amended planned development of 152 unit luxury apartments, to relocate the hotel in the center of the property with a huge office complex, improvements on Art Center Manatee, and a complete parking deck between the planned project and Manatee Players.

Bill Hargett, Oxford Properties, LLC Atlanta, Georgia gave a brief history of the company specializing in luxury Class A apartment projects in the Southeastern Region of the United States. He stated Oxford Properties was a developer, a general contractor, and a property manager having to meet a higher standard to qualify with core assets for institutional ownership with property portfolios.

He displayed renderings of the planned development of the 152, one bedroom luxury apartments on the Manatee River waterfront.

Speaking in favor of the project were: **Ron Allen**, developer, who stated this project would begin a new momentum in the downtown area toward making it come alive again. **Bernard Croghan**, developer, stated that as a developer, he agreed it would continue to create growth, attraction, and momentum in the downtown area. **Judy Fry**, 210 Watermark, stated she had lived in luxury apartment complexes most all her professional life, and would be in need of a one bedroom luxury apartment.

Anyone wishing to speak in opposition please come forward.

Speaking in opposition to the project were: **Donna Seguin**, River Dance resident, **David Lodwick**, River Dance resident, **Jayne Kocher**, citizen who worked on Realize Bradenton and Downtown by Design Master Plan, **Lou Balestra**, River Dance resident, **Don Schroder**, **Allan Johnston**, **Charlene Grabber**, **Bill Webster**, **Adrienne Webster**, **Susan Moseley** and **Woody Chartier**, a Mainstreet Apartment owner.

They each stated that a one bedroom apartment with no amenities was not considered a luxury apartment and that, the beauty of the river was the river, not a huge structure built right on the river. There is a distinction between someone who rents versus a stake holder in ownership. There is a one-time chance to develop the waterfront wisely and did not feel it would be the best use of a prime piece of waterfront property to place a huge structure and a parking garage on it. They expressed that the vision of Realize Bradenton and Downtown by Design Plan would not support this project on the waterfront. They felt that construction of a large building on prime waterfront property would not provide the best use of the land and, that this plan would not serve the city's financial interest. They felt that the beautiful prime waterfront area would be better served by encouraging retailers, commercial developers, public space, and a cultural center. If this project was approved, they felt the city would be selling out any future investments, and would be giving up a jewel on the waterfront. The city needed a major destination for people to come, hang out and

enjoy this beautiful waterfront. They encouraged council to deny the proposal and to strongly recommended retail on the waterfront.

Ed Vogler, in rebuttal, stated there was no one more disappointed than he that there was not a grocery store or restaurants on this site as he had walked this site with prospected businessmen many times. The energy, vision and skill that had gone into this proposed design had left 40,000 square feet to accommodate numerous retail stores and restaurants with ample parking in place with no limitation of access. He stated this project was what was needed for the momentum of downtown to connect Main Street, to the Arts Center, and to the Manatee Players with pedestrian connection to the Riverwalk to Palmetto. He felt this was the Urban Core and was a good project that would suit well. He further stated that if you bring "Heads and Beds" then there would be greater need for retail stores and restaurants.

The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report as follows:

STAFF RECOMMENDATION: APPROVAL, based on planning and land use with stipulations as follows:

1. Applicable conditions from prior plan approvals would remain in effect as follows:
 - a. All non-internal dumpsters would be indicated on the final PDP plan and site construction plans.
 - b. Any fencing material must be decorative in nature, and be approved by the Administrative Official (PCD Director) prior to installation.
 - c. The applicant shall work with manatee County Area Transit (MCAT) to establish a location for a public transit shelter or kiosk within the development.
 - d. Signage design would be subject to the approval of the Administrative Official through submittal of a master signage plan. Location of signs would be permitted as per the lease agreement or code. Buildings abutting the Rossi Waterfront Park would not have signage on the north elevations.
 - e. Landscaping treatments shall exceed the minimum requirements of the Land Use Regulations and meet the approval of the Administrative Official, and would be required around all building footprints and the perimeter of the project.
 - f. The developer shall work with the City staff to mitigate the setback uses along the Rossi Waterfront Park property boundary.
 - g. Pertaining to Building #8, the applicant would bring back architectural design to the City Council and contribute enhancements to the Waterfront Park area east of the subject property.
2. The Building 8 setback area shall be planted with enhanced landscaping to assure compatibility with the adjacent waterfront park. The exterior of Building 8 shall be approved by the PCD Director for exterior building finishes, materials, and articulation of elevations.
3. Landscape treatments shall exceed the minimum requirements of the LUR and meet the approval of the PCD Director and would be required around all building footprints and the perimeter of the project. A final landscape plan shall be submitted with construction drawings for approval.
4. Sewer and water utility manholes and valves shall not be located under parking spaces. To the extent possible (excluding existing), sewer and water utility lines shall not be located under parking spaces.
5. Non-internal dumpster locations for each building shall be approved as part of the site improvement permit. Location and configuration of dumpster sites must provide reasonable collection vehicle access.
6. The fire protection systems for Building 8 shall be enhanced in lieu of providing additional access through the park. Such systems shall be approved by the Fire Marshal as part of the issuance of a building permit.
7. The parking area south of Building 11 shall be redesigned to provide 9 x 18 parking spaces with a stop or curb, and a minimum aisle width of 24 feet.

8. An access drive shall be provided on the east side of the parking garage adjacent to the sewer lift station to provide access for service to the sewer lift station.
9. A three story (two tiers over ground level parking) parking garage is required. The proposed parking garage would be co-designed with the residential building.
10. The park acreage would be removed, or identified as "Park Easement Area".

PLANNING COMMISSION RECOMMENDATION (May 18, 2011): APPROVAL, with stipulations as follows:

1. Applicable conditions from prior plan approvals would remain in effect as follows:
 - a. All non-internal dumpsters would be indicated on the final PDP plan and site construction plans.
 - b. Any fencing material must be decorative in nature, and be approved by the Administrative Official (PCD Director) prior to installation.
The applicant shall work with Manatee County Area Transit (MCAT) to establish a location for a public transit shelter or kiosk within the development.
 - c. Signage design would be subject to the approval of the Administrative Official through submittal of a master signage plan. Location of signs would be permitted as per the lease agreement or code. Buildings abutting the Rossi Waterfront Park would not have signage on the north elevations.
 - d. Landscaping treatments shall exceed the minimum requirements of the Land Use Regulations and meet the approval of the Administrative Official, and would be required around all building footprints and the perimeter of the project.
 - e. The developer shall work with the City staff to mitigate the setback uses along the Rossi Waterfront Park property boundary.
 - f. Pertaining to Building #8, the applicant would bring back architectural design to the City Council and contribute enhancements to the Waterfront Park area east of the subject property.
2. The Building 8 setback area shall be planted with enhanced landscaping to assure compatibility with the adjacent waterfront park. The exterior of Building 8 shall be approved by the PCD Director for exterior building finishes, materials, and articulation of elevations.
3. Landscape treatments shall exceed the minimum requirements of the LUR and meet the approval of the PCD Director and would be required around all building footprints and the perimeter of the project. A final landscape plan shall be submitted with construction drawings for approval.
4. Sewer and water utility manholes and valves shall not be located under parking spaces. To the extent possible (excluding existing), sewer and water utility lines shall not be located under parking spaces.
5. Non-internal dumpster locations for each building shall be approved as part of the site improvement permit. Location and configuration of dumpster sites must provide reasonable collection vehicle access.
6. The fire protection systems for Building 8 shall be enhanced in lieu of providing additional access through the park. Such systems shall be approved by the Fire Marshal as part of the issuance of a building permit.
7. The parking area south of Building 11 shall be redesigned to provide 9 x 18 parking spaces with a stop or curb, and a minimum aisle width of 24 feet.
8. An access drive shall be provided on the east side of the parking garage adjacent to the sewer lift station to provide access for service to the sewer lift station.

Mr. Polk stated stipulations 9 & 10 were removed by the Planning Commission and staff agreed to the removal.

Councilman Smith made a motion to deny by stating: "MA.11.0028 was a planned development project application. Section 3.4 of the Land Use Regulations stated that the PDP standards are geared to allow developers maximum flexibility in designing quality, more innovative projects that may not otherwise be permitted. Preservation of environmentally sensitive lands and creation of green space and innovative design is highly encouraged and interactive design is also encouraged. This plan is not innovative at all. It does not create green space, and in fact it takes space away and reduces or eliminates view corridors. Even the staff evaluation says that the proposed design does

not include amenities intended to maintain the waterfront view corridors, such as taller narrower buildings and structured parking. The staff report also states that open space and recreation areas have all been reduced. The report further states that parking spaces at the end of 7th Street extension is a very unsafe practice and reiterates that the purpose of a planned development is to provide an innovative development that exceeds the minimum requirements of the code and that this plan appears to be lacking. I agree with that statement. All the promised amenities of the previous approvals for this area, such as parking garages and the other items have been removed with the building being squashed down taking up a greater footprint. This project was supposed to be a part of a development consisting of upscale condominium homes and the construction of small rental units is incompatible with the development to the west. For these reasons I move that the approval to the amendment of the existing planned development. MA.11.0028, be denied."

Councilwoman Barnebey stated in 1999 when the "sandpile" lease was given to Bradenton Riverfront Partners, what they had brought forth at that time to earn that lease was very different than what was coming forward today. At the original at meeting, Council had been told there would be retail stores and restaurants along the waterfront, having people places and people spaces with residential developments being placed further back and with Rossi Park being a public space. She stated she would support the motion to deny.

Councilman Byrd stated because of the recent approval of Riverwalk, a public space and due to the absence of retail in this plan today, I will be supporting the motion to deny.

Councilman Gallo stated he had been on the council for 20 years and had listened for years about the vision of the "sandpile" and that vision had always been retail, with shops and restaurants all along the waterfront which would serve not only the city but the county and beyond. With that vision in mind, he stated he would support the motion to deny.

MOTION TO DENY MA.11.0028 was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 5-0.

MA.11.0029 WARD 4 NEIGHBORHOOD 1.01 RS

PUBLIC HEARING

Request of Bernard Croghan, agent for Riverwalk Professional Park Condo Association, owner, to amend the existing approved planned development to allow an increase in signage for the property located at 100 and 200 3rd Avenue West (zoned UCBD).

The public hearing was reopened, anyone wishing to speak in favor please come forward.

Bernard Croghan gave a brief explanation of a proposed 10 x 12 sign facing northeast on the northeast corner of the Riverwalk Professional Park property. He agreed to pay 100% of the cost and share 20% of the sign with Realize Bradenton.

Councilman Gallo asked Mr. Croghan if he was willing to provide a short term announcement space when Manatee High School wins the State Championship.

Mr. Croghan stated he would be happy to oblige.

Anyone wishing to speak in opposition please come forward. No one came forward. The public hearing was closed.

Tim Polk gave the Planning and Community Development staff report as follows:

STAFF RECOMMENDATION: APPROVAL with (4) stipulations as follows:

1. Total monument size would not exceed 250 square feet.
2. Total sign area would not exceed 120 square feet.
3. Changeable copy would not exceed 50% of the total sign area constructed.
4. Changeable copy cannot change more frequently than 60 second intervals.

These stipulations would allow signage that was compatible with abutting properties as well as ensure visibility from the U.S. 301/41 artery.

PLANNING COMMISSION RECOMMENDATION (May 18, 2011): APPROVAL with (3) stipulations as follows:

1. Total monument size would not exceed 250 square feet.
2. Total sign area would not exceed 120 square feet.
3. Changeable copy cannot change more frequently than 60 second intervals.

MOTION TO APPROVE MA.11.0029 with the recommendations made by the Planning and Community Development staff and Planning Commission with the Planning Commission (3) stipulations was made by Councilman Smith, seconded by Councilwoman Barnebey and passed 5-0 for approval.

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**MA.11.0030 WARD 1 NEIGHBORHOOD 4.07 RS PUBLIC HEARING**

Request of Steve Shroyer, Shroyer Drapala Engineering, agent for LagoInvest, owner, to amend the existing approved planned development to allow a 160 unit residential development for the property located at 1401 Village Green Parkway (zoned R-1).

The public hearing was reopened, anyone wishing to speak in favor please come forward.

Pat Neal, Neal Communities introduced **Mike Drapala, Leisa Weintraub, Bob Gause, and Maryann Grgic** the "Neal Communities Design Team," presented a brief presentation of the history of the vacant parcel that was previously the Village Green 42 acre golf course, to be developed as 16- unit single family attached villas, to be known as "The Seasons at Village Green."

The following residents of Village Green spoke in favor of the development: **Glyn Oldham, Larry Covins, and Jack Rooney.** They each stated the units were of quality design and compatible with the existing homes. They had some questions regarding the power lines being moved and who would maintain the retention ponds.

Anyone wishing to speak in opposition please come forward.

The following residents of Village Green spoke in opposition to the development: **Sam Johnston** stated the development was not compatible with his single family home and referenced a letter he had written to Lagoinvest, in which he stated that he would be addressing the Southwest Water Management District at a later date on issues with water quality due to chemicals which had previously been used by the former golf course. **James Johnston**, voiced his concerns about the location of the power lines, planned berms which may cause drainage issues, and increased traffic concerns. **Frederick (Fritz) Johnson**, co-signer of letter with Sam Johnston stated there were already many homes in Village Green that were vacant and in foreclosure, and this planned development would add to the housing problem. They stated the planned development does not conform to the existing Village Green units. **Mary Finnerty** stated that all the houses around the former golf course were single family homes. They each stated they had not received any notices of any meetings from the developer.

**Pat Neal**, in rebuttal, stated that his staff had delivered packets to every home on the former golf course and had held nine individual meetings with Village Green residents. He stated extensive marketing research had been done in one of Bradenton's better areas and believes that this project would revitalize the Village Green community. He stated it would help with resales and would enhance the community and traffic flow.

Discussion: The planned private streets would meet city standards.

The public hearing was closed.

**STAFF RECOMMENDATION: APPROVAL of MA.11.0030** with stipulations as follows:

1. Conditions outlined in the memorandum dated March 31, 2011, from the Public Works and Utility Department would be complied with.
2. Trees scheduled for removal would be identified and a permit would be obtained for their removal.
3. On-street parking was prohibited, and the developer would install signage indicating the prohibition.
4. The architectural design of the recreation building would be compatible with the residential construction, and subject to the approval of the PCD Director.
5. The site plan identified as City of Bradenton Exhibit "F" received April 19, 2011, was the approved plan.

**PLANNING COMMISSION RECOMMENDATION (May 18, 2011): APPROVAL of MA.11.0030** with one additional stipulation as follows:

6. Design of the emergency access to 11<sup>th</sup> Avenue would be subject to approval of the Fire Marshal. (Objection was made by Pat Neal as the emergency access should state 18<sup>th</sup> Avenue not 11<sup>th</sup> Avenue. Approval for this correction was verified by Fire Marshal Ken Langston.)

**MOTION TO APPROVE MA.11.0030 with the recommendations made by the Planning and Community Development staff and Planning Commission with 6 stipulations including the revised stipulation 6 was made by Councilman Gallo, seconded by Councilman Byrd and passed 5-0 for approval.**

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SP.11.0009 WARD 1 NEIGHBORHOOD 4.07 RS

Request of Steve Shroyer, Shroyer Drapala Engineering, agent for LagoInvest, owner, for preliminary subdivision approval of a 160 unit residential development on the property located at 1401 Village Green Parkway (zoned R-1).

STAFF RECOMMENDATION: APPROVAL of SP.11.0009

PLANNING COMMISSION RECOMMENDATION (May 18, 2011): APPROVAL of SP.11.0009

MOTION TO APPROVE SP.11.0009 with the recommendations made by the Planning and Community Development staff and Planning Commission with six stipulations was made by Councilman Gallo, seconded by Councilman Byrd and passed 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

No new business.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Had once again received an email regarding the issue of horses in the water on the causeway. He asked if the council wished to pursue an ordinance prohibiting horses in the water.

General discussion: Documentation of evidence of water cleanliness and safety concerns. Environmental health problems and acceptable water quality point levels. Test results would be needed if an ordinance was done.

Councilwoman Marianne Barnebey, Ward II: Thursday is the last day of school, please be careful.

Vice Mayor and Councilman Patrick Roff, Ward III: Thanked the Manatee County Commissioners for working with the Department of Environmental Protection on the Ware's Creek Project to allow the contract to finally get signed.

Councilman Bemis Smith, Ward IV: Stated that the recent census data had shown that the City of Bradenton's population had increased by 1/10th of 1% over the last 10 years. The City of Palmetto increased by 3/10th of 1% over 10 years and that all of the island population had decreased over the last 10 years. He stated Manatee County increased by 22% over the last 10 years.

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

Mayor Wayne Poston: Nothing to report.

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chuck Edwards: Nothing to report.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 1:05 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.