

CITY OF BRADENTON
CITY COUNCIL MEETING
October 14, 2015
6:00 P.M
MINUTES

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 6:00 p.m. on Wednesday, October 14, 2015.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Vice Mayor Ward II Gene Brown; Councilman Ward III Patrick Roff; and Councilman Ward V Harold Byrd, Jr.

City Officials: Carl Callahan, City Administrator; Michael Radzilowski, Police Chief; David Ezell, Asst. Fire Chief; Tim Polk, Department of Planning & Community Development Director; David Beauchamp, Public Works Support Services Section Manager; and Bill Lisch, City Attorney.

The pre-meeting invocation was given by Councilman Byrd.

(The City does not endorse the religious beliefs of any speaker.)

The meeting was called to order by Mayor Poston.

The Pledge of Allegiance was led by Mayor Poston.

Councilman Ward IV Bemis Smith; Chuck Edwards, Fire Chief; and Public Works & Utilities Director, Claude Tankersley, were out with excused absences.

PROCLAMATIONS: None.

Domestic Violence Awareness Month – October 2015

The proclamation was accepted by members of various groups which seek to combat this serious and growing issue. They invited everyone to attend the premier showing of **“A Way Out”** on October 24th at 8:00 p.m. at the Manatee Performing Arts Center. Created by **Manatee Education Television and BTN Films**, all proceeds would go to benefit **Hope Family Services**.

Red Ribbon Week – October 23-31, 2015

The proclamation in support of the substance abuse prevention program started in honor of **Enrique “Kiki” Camarena**, Drug Enforcement Administration officer killed in the line of duty in 1985, was accepted by **Rob Lyons, Chair of the Manatee County Youth Commission**. Everyone was encouraged to attend the Substance Abuse Prevention breakfast which would be held on October 17th at 7:15 a.m. at Pirate City.

PRESENTATIONS: None.

Carl Callahan administered the oath to anyone wishing to speak on any non-agenda items and during the public hearings.

CITIZEN COMMENTS:

Joe McClash, 711 89th St. NW, stated that the response he had finally received to his public records request from Brady Woods, former Zoning Manager, had been unacceptable and contradicted previous PDP zoning and procedures for rezoning for the development known as **Harbor Sound**. He questioned whether there had been a mistake made in the Comp plan as he felt the area was obviously wetlands. He requested that a survey be done and that Council retract their decision.

Forrest Rivinius, 330 Compass Point Drive, regarding **Harbor Sound**, questioned how an area inside a PDP had become an R-1 designation. He felt the calculations stating the area was 2’ above mean high-water with a 25’ setback were in error. He displayed photos of truckloads of mucky, soggy wetlands being removed, which was in violation of City polices 5.2, 5.24, and 5.23. He, too, requested the decision be rescinded.

Gary Frank, 326 Compass Point Drive, stated that the work started on the **Harbor Sound** development had already begun to devastate the wildlife population and nesting birds. As a humanitarian, he said it was a travesty to witness. He felt that the lack of preservation of wetlands was a disgrace. He requested rescission of the decision.

CONSENT AGENDA:

- a) Resolution 15-39: Request to vacate existing platted and prescriptive easements on residential property generally located at 109 23rd Street West.
- b) Resolution 15-40: Request for a partial vacation of a 2.1-foot portion of an existing 10-foot platted utility easement along the south side of property generally located at 1008 Pussywillow Lane.
- c) MB.15.4181: Request by Bart De Bruijn, agent for Back Bay Preserve Development, LLC, owner, for a one-year extension of time for PDP project PR.07.0035.
- d) Final Phase of Meter Install Project.
- e) Financing agreement for two street sweepers.
- f) Approval of contract for skatepark improvements at Riverwalk.
- g) Minutes: City Council meeting of Sept. 9.
- h) Minutes: City Council first budget meeting of Sept. 9.
- i) Minutes: City Council second budget meeting of Sept. 16.
- j) Public Event: Children’s Fall Festival on Oct. 24 at City Life Church (approving road closure only).
- k) Public Event: Snooty Gala on Nov. 17 at South Florida Museum (approving road closure only).
- l) Public Event: Sounds of the Season on Dec. 12 on Old Main Street.
- m) Two Forfeiture Fund requests from BPD.

MOTION TO APPROVE Consent Agenda Items A-M was made by Councilman Gallo, seconded by Councilman Byrd, and approved 4:0. *(Councilman Smith was excused.)*

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

ORDINANCE 2971 FIRST READING

CP.15.3381 WARD 4 NEIGHBORHOOD 7.03 - Request by ZNS Engineering, LC and Vogler Ashton, agents, for the City of Bradenton, owner, and Bradenton Land Group, LLC and O’Reo Farm Two, LLC, applicants, for a Small Scale Comprehensive Plan Map Amendment for properties located at 1205 and 1219 2nd Avenue East, from Residential Medium Density (up to 10 DU/AC) to Urban Village.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2971 AND SET THE SECOND READING AND PUBLIC HEARING for October 28, 2015 was made by Councilman Gallo, seconded by Councilman Byrd, and approved 4:0. *(Councilman Smith was excused.)*

SA.15.3388 WARD 2 NEIGHBORHOOD 4.06 PUBLIC HEARING

Request by ZNS Engineering agent, for Bradenton Christian School, for a Special Use-Amendment to allow for construction of a new 16,642 square foot Middle School building on the property located at 3304 43rd Street West (zoned R-1).

The Public Hearing was opened. Those in favor were asked to come forward.

Rachel Layton, ZNS Engineering, agent, displayed PowerPoint renderings of the proposed 2-story, 16,642 square foot addition to the current school campus which would house 195 middle school students and offer sheltered connectivity to the existing facilities. It would feature 291 parking spaces, exceeding the required 133 spaces.

Dan Vande Pol, Superintendent of Bradenton Christian School, stated that the number of students was increasing and space was desperately needed to accommodate them and prepare them well for the future.

Those in opposition were asked to come forward. None came. The Public Hearing was closed.

Tim Polk gave the Staff and Planning Commission recommendations for approval:

Staff Recommendation:

APPROVAL of SA.15.3388 with the following stipulation:

- 1. Provide a 10 ft. landscape buffer on the west property line adjacent to the new Middle School building.

Planning Commission Recommendation (September 16, 2015):

APPROVAL of SA.15.3388 with the following stipulation:

- 1. Provide a 10 ft. landscape buffer on the west property line adjacent to the new Middle School building.

MOTION TO APPROVE SA.15.3388 was made by Vice Mayor Brown, seconded by Councilman Roff, and approved 4:0. *(Councilman Smith was excused.)*

ORDINANCE 2970 PUBLIC HEARING TABLED FROM PREVIOUS MEETING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 1015 MANATEE AVENUE EAST, BRADENTON (ALSO KNOWN AS GLAZIER GATES PARK) 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 COMPREHENSIVE LAND USE PLAN AMENDMENT CP.15.2887) CHANGING THE FUTURE LAND USE DESIGNATION FROM RECREATION/OPEN SPACE TO URBAN VILLAGE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SAP.15.2888 WARD 4 NEIGHBORHOOD 7.03 PUBLIC HEARING TABLED FROM PREVIOUS MEETING

Request by ZNS Engineering, LC and Vogler Ashton, agents, for Bradenton Land Group, LLC and O'Reo Farms Two, LLC, owners, for a Special Area Plan (mixed use development) located generally at 1015 Manatee Avenue East (zoned T4-O and T4-R), on real property more particularly described in the application for the Special Area Plan approval.

RV.15.2892 WARD 4 NEIGHBORHOOD 7.03 PUBLIC HEARING TABLED FROM PREVIOUS MEETING

Request by ZNS Engineering, LC and Vogler Ashton, agents, for Bradenton Land Group, LLC and O'Reo Farm Two, LLC, owners, to vacate plats, alleys, and rights-of-way, confirm the prior vacation of certain plats, alleys, and rights of way, and to release rights of reverter on land generally located north of Manatee Avenue, south of the Manatee River, east of 10th Street East, and west of 12th Street East.

RESOLUTION NO. 15-35 TABLED FROM PREVIOUS MEETING

A RESOLUTION PURSUANT TO SECTION 2.2.7, CITY LAND USE REGULATIONS, "VACATION OF PUBLIC RIGHTS-OF-WAY" LEGALLY DESCRIBED AS FOLLOWS: The real property identified and legally described in OR Book 1872, Page 658, and OR Book 2222, Page 5227, of the Public Records of Manatee County, Florida. TOGETHER WITH: Lot 13 [a/k/a Wiggins Street], E. M Thorpe's Subdivision, as per plat thereof recorded in Plat Book 2, Page 60, of the Public Records of Manatee County, Florida. TOGETHER WITH: A portion of a 20 foot wide alley as shown on the Plat of Paradise Farm, a Subdivision, as recorded in Plat Book 1, Page 281 of the Public Records of Manatee County, Florida, Lying Between Lots 7 and 22 and Between Lots 10, 11, 12, 17, 18, and 19 of Said Plat, Less the Northerly 20 Feet Between Said Lots 10 and 19. WHEREAS, the applicants, City of Bradenton, Bradenton Land Group, LLC, and O'Reo Farms Two, LLC, have jointly made a request pursuant to Section 2.2.7, City Land Use Regulations and applicable law, to vacate a certain rights-of-way, to confirm the prior vacation of certain alleys, and rights of way, and to release rights of reverter, if any; and WHEREAS, the real property identified and legally described in OR Book 1872, Page 658, and OR Book 2222, Page 5227, of the Public Records of Manatee County, Florida, was previously vacated by the City of Bradenton pursuant to Resolution No. 03-30 recorded in Official Records Book 1872, Page 658, and Resolution No. 07-25 recorded in Official Records Book 2222, Page 5227, of the Public Records of Manatee County, Florida, and is confirmed herein; and WHEREAS, a recommendation of approval of this Resolution was provided by the City of Bradenton Planning Commission following public notice, a public hearing before the City of Bradenton Planning Commission, and receipt of the favorable recommendation of the director of public works; and WHEREAS, all interested persons having been heard by the Council in open session at a public hearing following public notice, and it appearing to said Council that the right-of-way vacation is in the public interest, is not detrimental to the public health, safety, and welfare, and will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or deprive the right of access of persons to or from their lands; and all members of the Council having been fully advised in the premises; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, that upon the said request and of its own motion, the following described rights-of-way vacation lying within the City of Bradenton, Florida which are more particularly described as follows: The real property identified and legally described in OR Book 1872, Page 658, and OR Book 2222, Page 5227, of the Public Records of Manatee County, Florida. TOGETHER WITH: Lot 13 [a/k/a Wiggins Street], E. M Thorpe's Subdivision, as per plat thereof recorded in Plat Book 2, Page 60, of the Public Records of Manatee County, Florida. TOGETHER WITH: A portion of a 20 foot wide alley as shown on the Plat of Paradise Farm, a Subdivision, as recorded in Plat Book 1, Page 281 of the Public Records of Manatee County, Florida, Lying Between Lots 7 and 22 and Between Lots 10, 11, 12, 17, 18, and 19 of Said Plat, Less the Northerly 20 Feet Between Said Lots 10 and 19. is hereby approved, granted and that said rights-of-way are closed, abandoned and vacated; any rights of reverter retained by the City of Bradenton are hereby released; and further that every right of said City of Bradenton and of the public in general is hereby renounced and disclaimed in and to the rights-of-way hereinabove described; and furthermore, the City Clerk is hereby instructed to cause a certified copy of this Resolution to be recorded in the Public Records of Manatee County, Florida. Notice hereof shall be published and recorded as required by law.

RESOLUTION NO. 15-36 TABLED FROM PREVIOUS MEETING

A RESOLUTION PURSUANT TO SECTION 2.2.11.6, CITY LAND USE REGULATIONS, REVERSION OF SUBDIVISION LEGALLY DESCRIBED AS FOLLOWS: The plats identified and described in OR Book 2222, Page 5226, of the Public Records of Manatee County, Florida. WHEREAS, the applicant, Bradenton Land Group, LLC and O'Reo Farms Two, LLC, have made a request pursuant to Section 2.2.11.6, City Land Use Regulations and pursuant to Section 177.101(4), F.S. for vacation of the identified and described plats and the reversion of the subdivision to acreage; and WHEREAS, the plats identified and described in OR Book 2222, Page 5226, of the Public Records of Manatee County, Florida, were previously vacated by the City of Bradenton pursuant to Resolution No. 07-23 recorded in Official Records Book 2222, Page 5226, of the Public Records of Manatee County, Florida, and such vacation is confirmed herein; and WHEREAS, a recommendation of approval of this Resolution was provided by the City of Bradenton Planning Commission following public notice and a public hearing before the City of Bradenton Planning Commission; and WHEREAS, all interested persons having been heard by the Council in open session at a public hearing following public notice, and it appearing to said Council that the vacation of the plats and reversion of the subdivision to acreage is in the public interest and will not affect the right of convenient access of persons owning other parts of the subdivision or deprive the right of access of persons to or from their lands; and all members of the Council having been fully advised in the premises; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, that upon the said request and of its own motion, the vacation of the following described plats lying within the City of Bradenton, Florida and more particularly described as follows, and the reversion of the described subdivision to acreage: The plats identified and described in OR Book 2222, Page 5226, of the Public Records of Manatee County, Florida. is hereby approved, granted and that said plats are vacated and are reverted to acreage; and further as required by Section 177.101(4), F.S., the City Clerk is hereby instructed to furnish to the Board of County Commissioners of Manatee County, Florida a certified copy of this Resolution, and further still, the said Clerk is instructed to cause a certified copy of this Resolution to be recorded in the Public Records of Manatee County, Florida. Notice hereof shall be published and recorded as required by law.

MOTION TO REMOVE ALL OF THE ABOVE ITEMS FROM THE TABLE FOR FURTHER DISCUSSION was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:0. (Councilman Smith was excused.)

Ed Vogler, agent, wished to address questions and comments which had been posed previously by citizens and featured in the press and to reiterate some specifics.

He stated that this development was not inconsistent with the comprehensive plan as changing the use of a park to another use could be done when the planned use identified a new park site, compensated acreage, and added a funding commitment.

He referenced a letter of additional information which he had written to the public and staff on October 6, 2015 which included the following (paraphrased) points:

1. Acreage swap numbers were actually beneficial to the City. The desirability of the location of the swap was a judgment call. The current plan would lengthen the city's notable Riverwalk Park.
2. Commitments had been made to relocate existing park amenities and repair & replace pieces in need as deemed by the City. A conceptual park design would be created following input to be gleaned from a 1-day public charrette to be paid for by the applicant. Park planners would be retained to develop plans driven by that input.
3. Street lighting and sidewalks would be constructed within the project.
4. Funding in the amount of \$150,000 was committed to design, permit, and construct a portion of the new park improvements prior to completion of Phase I of the project.

He requested that the above 4 points be included as stipulations to the project request approval.

He went on to say that per City codes, replacement trees would be installed in the project and park. He further suggested that the City use impact fees to focus on park improvements and the area up front. Lastly, he stated that this project would create a collaborative opportunity to create connectivity to Manatee Mineral Springs Park.

Mr. Vogler requested approval of the project with the additional stipulations by Staff and with the additional four stipulations outlined in his letter dated October 6, 2015.

The Mayor requested **those in opposition** to come forward, but as this was a continuation, he requested that those who had spoken previously, courteously not speak again. He stated that the **attorney and planner representing Stone Soup Community Unity, Inc.** would be granted 15 minutes as the group representatives.

Ralf Brooks, attorney, 1217 E. Cape Coral Parkway, Cape Coral, made the following points in opposition to the proposed project:

The proposed land swap is not quasi-judicial. The City is the owner & steward of Glazier Gates Park, and it did not need to be given away in a land swap.

There must be overriding public interest – and there was not.

He stated he had made a public records request regarding the use of federal funds to create the park as there can be no federal funds used to acquire, improve, or expand said land. This park was improved using state FRDAP funds. Funds from the National Parks Service Urban Park & Recreation Recovery Program were also used in 1983. He quoted Paragraph 32 of the FRDAP grant “Land owned by the grantee which is developed or acquired with FRDAP funds shall be dedicated in perpetuity as an outdoor recreation site by the grantee for the use and benefit of the public.... no discrimination.....” He questioned the give-away of the park in a minority area.

He said he had made a second public records request for Environmental Law Phases I & II regarding soil samples and ground water samples. He called forward **Kim Young Shepherd** who had conducted lab tests on the soil and had found it contained traces of lead, arsenic, cambium, and chromium. He said it would behoove the City to do an environmental audit before going further.

He submitted his submissions for public record.

Max Forgey, Certified Planning Expert for Stone Soup, 4637 Vincennes Blvd., Cape Coral, quoted the definition of a neighborhood park to be a parcel of land a minimum of ½ acre in size within ½ mile of the population to be served and to include open space, benches, trees, and play or exercise facilities geared to the type of population served. He displayed a page of the City’s 2009 comp plan which displayed a photo of Glazier Gates Park as a model neighborhood park. He questioned the follow-through on the City’s part to create an overall park master plan to preserve park lands and open space. He stressed that the comp plan stated that parks and open spaces were not to be diverted into non-park uses except in cases of consistent overriding public interest. An excerpt of his PowerPoint summary follows:

The Case for Maintaining Glazier-Gates Park in its Current State

1. The existing use is consistent with the definition of ‘Recreational/ Open Space’ as it appears in FLUE Policy 1.2.1.
2. The existing land use meets the requirements of Recreation Policy 1.2.1 because it is a classical neighborhood park featuring “benches, trees, open or grassy areas and play or exercise facilities geared to the type of populations served.”

The Case against approving this application

1. The proposed application is not supported by “public participation in the neighborhood planning process through the use of tools such as public workshops and meetings, stakeholder interviews, citizen surveys, and other useful methods of public input” as mandated by Policy 1.8.4 of the FLUE.
2. The application is not supported by the guidance of a Parks Master Plan, which the Bradenton Comprehensive Plan pledged would be City initiated by 2010, as provided in Recreation Element Policy 1.2.5.
3. The application fails to meet the test of Recreation Element Objective 1.6 because it proposes to divert existing park land to other non-park, non-recreational or non-cultural uses except in cases of overriding public interest.
4. The application fails to meet the test of Recreation Element Policy 1.6.1 because it is not supported by a “redevelopment plan or neighborhood plan.”

5. The application fails to meet the test of Recreation Element Policy 1.7.2 because it is not supported by “a survey of residents of an analysis of recreation demands and trends to determine the recreation facilities most desired by City residents.”

Councilman Roff inquired about the use of FRDAP funds. Carl Callahan explained that the funds had not been used to purchase the park but were used in 2010 to purchase the playground equipment. The agreement stated it would be maintained in perpetuity unless the City decided not to and would then need to repay the grant. In this case, the amount was \$50,000. In December 2014, Mr. Callahan had taken the initiative to contact the state to request them to review the situation. He had been told that to relocate the equipment to the rear of the property would not be in violation of the agreement.

Councilman Gallo asked for further clarification about the FRDAP grant and questioned if Mr. Brooks had implied that the City was doing things incorrectly. Mr. Callahan said Mr. Brooks had not been incorrect, but that there was more to the story. In 1985, the grant had been largely obtained for planning purposes for three parks: Glazier Gates, Lewis, and 17th Street Park as well as the creation of the City Master Plan. He explained that at that time, it was to relocate the equipment further away from Manatee Avenue, which is the same situation as it was now. Also, the 1985 study had recommended that an additional park be located along Riverside Drive from 9th Street East to 12th Street East.

Jackie Atwood, 1010 Riverside Drive East, asked if it had been such a great idea since 1985, why hadn't it happened? She said the answer was that the people don't want it. In addition, she said it was now imposing upon private property owners. She said that if it was that important that the park be moved, it should go on the river on the eastern-most holdings. If it was placed in the area being proposed, it would wrap around private homes, hers included, and be perceived only to be an amenity of the condominiums on the riverfront. Discussion about use of eminent domain and trust of public officials due to the mishandling and lack of public notice and input regarding the current proposed development.

The following citizens also voiced their opposition to the proposed development:

Les Atwood, 1010 Riverside Drive East

Jeffrey & Trudy Williams, 322 14th Street East

Jennifer Reiss, 1215 4th Avenue East

Charles Smith, Manatee County Commissioner, District 2, called for due process and reconsideration to protect rights of property owners and determine flooding concerns.

Kim Young-Shepherd, 1420 1st Avenue East

James MacLuken, 1212 2nd Avenue East

Tiffany Oatway, 1302 2nd Avenue East

Dave Feagles, 5324 Potter Street

Karen Willey, 1113 16th Street West

Ed Vogler, agent, said that neither he nor anyone of the ownership group or development team had been involved in the initial land acquisition by the previous developer. He affirmed this was in no way any question of eminent domain. He reiterated that this was redevelopment which had been approved by the Planning Commission and Staff and was consistent with the comprehensive plan and the vision which had been created for linear parks. Specific plans and funding commitments to work together to make the project beneficial to the City and its citizens and were included. He requested approval with the stipulations of Staff and the additional four stipulations outlined in his letter of additional information dated Oct. 6, 2015.

Councilman Roff asked if surveys had been conducted. Mr. Vogler stated that the property had been purchased from the bank and all of the environmental testing had been done. He again confirmed that no private property was involved in the development and, additionally, existing regulations would prevent that.

Carl Callahan brought forth a proposal from Councilman Smith which had formulated during the time the request had been tabled. Mr. Smith felt there should be an emphasis placed on the **east side** of the development. Mr. Callahan outlined the revised **stipulation D**:

- A. The Applicant shall relocate and repair/replace, as determined necessary by the City, the existing playground equipment located within the Glazier Gates Park to an alternate location designated by the City, with such work to be complete prior to receipt of a final certificate of occupancy for Phase I improvements.

- B. The Applicant shall pay the cost of a public workshop and one-day design charrette to solicit ideas and suggestions as to park design from City staff, elected officials, and the public, and will complete a conceptual design of new park improvements seeking to implement those ideas and suggestions for later consideration and approval by the City Council.
- C. The Applicant shall construct street lighting and sidewalks on those public streets located with the Villages At Riverwalk so as to provide safe and lighted access to the public waterfront areas.
- D. The Applicant shall pay up to \$650,000 to design, permit, and construct a portion of the new park improvements, including pedestrian and vehicular access, as approved by the City, with such work to be complete prior to receipt of a final certificate of occupancy for Phase I improvements. The Applicant shall be entitled to receive park and transportation impact fee credits, as approved by the City, for the cost of public land improvements which benefit the new park as well as the connection to and enhancement of the existing Manatee Mineral Springs Park and the public elements of the surrounding historical neighborhood.**

Mr. Callahan stated it was Mr. Smith's desire to make a meaningful terminus which would extend to historic Manatee Mineral Springs Park. Councilman Roff requested Mr. Callahan to provide an overview of the acquisitions of the various sections of Glazier Gates Park. Mr. Callahan gave an overhead presentation of how the first piece had been obtained in 1951 with several other pieces coming along through numerous means until acquiring the last piece in 1961.

Jackie Atwood interjected that the Gates property had been on the 14-15th Streets area and several of the Glazier homes had been located on the area where the park currently exists. Carl said that there was no dispute that most parcels in the City had historic significance. Mr. Roff said he had just wanted to be clear that had been were no stipulations to the parcel acquisitions which included limited options for future use.

The owners and development team took a moment to review and discuss revised Stipulation D.

Ed Vogler said this development should be viewed in a regional way; therefore, they agreed to Stipulation D.

The Public Hearing was closed.

Mr. Lisch stated that the Comprehensive Plan would permit exchange of park land for park land if it was in the best interest of the City. If Council voted for this, it would be in the best interest of the City.

MOTION TO APPROVE ORDINANCE 2970 WITH ALL STIPULATIONS, INCLUDING D, was made by Councilman Roff, seconded by Councilman Byrd, and approved 4:0. (Councilman Smith was excused.)

MOTION TO APPROVE SAP.15.2888 was made by Councilman Roff, seconded by Vice Mayor Brown, and approved 4:0. (Councilman Smith was excused.)

MOTION TO APPROVE RV.15.2892 was made by Councilman Roff, seconded by Vice Mayor Brown, and approved 4:0. (Councilman Smith was excused.)

MOTION TO APPROVE RESOLUTION 15-35 was made by Councilman Roff, seconded by Vice Mayor Brown, and approved 4:0. (Councilman Smith was excused.)

MOTION TO APPROVE RESOLUTION 15-36 was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:0. (Councilman Smith was excused.)

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND CITY COUNCIL – None scheduled.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I – Nothing to report.

Vice Mayor Gene Brown, Ward II – Vice Mayor Brown sent out congratulations to **Southeast High School football Coach Paul Maechtle** for having a field named after him. Mr. Brown also announced that the Jumbotron would be delivered to Manatee High School on October 23rd, just in the nick of time for the Homecoming game.

Councilman Patrick Roff, Ward III – Expressed thanks to Karen Kyser of the Downtown Development Authority for contacting the Public Works Department to have new signs created for the Ballard Park Neighborhood. Many of the original monument signs had been missing and the remainder were in disrepair.

Mr. Roff said he had just returned from Washington D.C. where, on behalf of the Florida League of Cities and the City of Bradenton, he had met with legislators to lobby for long-term transportation funding. It now seemed like both the Senate and the House were interested in working toward a three-year long-term plan for the first time in a decade.

Councilman Harold Byrd, Jr., Ward V – Councilman Byrd joined in the congratulations to Coach Maechtle who had been his American History teacher in 1976 when they had studied the elections. Mr. Byrd said he had attended a recent reorganized Bradenton Village residents' meeting to discuss concerns and future plans for the area. Lastly, Mr. Byrd said that, after a year of study, on next Thursday he would graduate with a certification in Florida Redevelopment.

Mayor Wayne Poston – Nothing to report.

DEPARTMENT HEAD REPORTS

Carl Callahan: Mr. Callahan apologized that reprogramming of the air conditioning system in the Council Chamber had been accidentally omitted when the meeting had been changed from morning to evening.

Asst. Chief Ezell: Nothing to report.

Chief Radzilowski: Noted that it had been 20 years since he had first done security for *The Million Man March* in Washington D.C.

Dave Beauchamp: Nothing to report.

Tim Polk: On behalf of Public Information Officer, Tim McCann, Mr. Polk expressed best wishes to the Chicago Cubs in their World Series bid.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 8:32 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.