

**CITY COUNCIL MEETING  
April 26, 2006**



The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on April 26, 2006 at 6:00 p.m.

**Present:** Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

**City Officials:** Wayne Poston, Mayor; Carl Callahan, City Clerk and Treasurer; John Ormando, Assistant Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Matt McLachlan, Department of Planning and Community Development Assistant Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

**Press:** Bradenton Herald

The meeting was called to order by Mayor Poston  
Ecumenical invocation was led by Pastor Virgil Mills, First Church of the Nazarene.  
Flag salute was led by Mayor Poston.

Vice Mayor Gallo was excused from the meeting.

PROCLAMATIONS

**National Arbor Day Proclamation – April 28, 2006**

**Easter Seals “Walk With Me Day” Proclamation – May 6, 2006**

**Municipal Clerks Week Proclamation – April 30 - May 6, 2006**

**Law Enforcement Week Proclamation – May 9 - 15, 2006**

Mayor Poston announced that crime in Bradenton had decreased by 9.9% in 2005.

Chief Radzilowski proudly displayed a photograph of the Bradenton Police Explorers, a group of 13 – 15 year olds which are sponsored by the Bradenton Police Department to perform Civic Projects throughout the community.

PRESENTATIONS

**Bradenton Police Department – Civic Awards**

Lieutenant James Racky announced that the Open House for the Bradenton Police Department’s new Zone Three Community Work Station located at 1013 East 6<sup>th</sup> Street was a great success.

Mayor Poston presented Commendation Awards to the businesses, individuals and organizations that contributed toward the creation of the Community Work Station.

They were as follows: Sherod Halliburton, Central Community Redevelopment Agency; Taz Hazar, Habitat for Humanity; Sherry Berry, Tropicana Products; Amy Vandel, Brighthouse Cable; Darrell Turner, Turner Trees and Landscape; Jump Start Power for Life; Church on the Rock; Jobs, Etc.; Manatee County Health Department and Casa Di Pizza.

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

Mayor Poston read a portion of a letter dated April 24, 2006 from Bill Church, franchise owner of Quaker Steak & Lube, which stated, "After careful consideration and review of the neighborhood concerns, I have decided it is in our best interest to discontinue pursuit of the old "Ale House" on Cortez Road in Bradenton. I want to thank you and the City Council for your support. We will look for other locations that better match our interests with those of the surrounding neighborhood."

**MOTION TO RECONSIDER the Quaker Steak and Lube SU.06.0021 request as previously adopted April 12, 2006 was made by Councilman Smith/Councilman Roff and carried 4-0 for approval.** Vice Mayor Gallo was absent from voting.

**MOTION TO RESCIND the Quaker Steak and Lube SU.06.0021 application based upon the letter received dated April 24, 2006 was made by Councilwoman Barnebey/Councilman Roff and carried 3-0 for approval.** Councilman Golden abstained from voting as he was not present when the request was presented. Vice Mayor Gallo was absent from voting.

### CITIZEN COMMENTS

**Harry Potter, Dick Coury, Jack Coury and Ray Norman** thanked Mayor Poston and the council members on behalf of their respective communities for rescinding the Quaker Steak and Lube application.

**Joe McDonald**, representing the Old Main Street Merchants, Inc. gave a brief overview of the newly formed organization and distributed a letter stating their goals:

1. To enhance the present and future marketing of the downtown area.
2. To open a line of communication with the City Council and City staff.
3. To help advise the Council in business concerns to enhance Old Main Street.
4. To continue to support efforts aimed toward the revitalization of downtown Bradenton.

He invited everyone to come to a fundraiser on May 5, 2006 to celebrate Cinco de Mayo.

Mayor Poston suggested that the Old Main Street Merchants work with Downtown Progress to organize a Buccaneer Pep Rally prior to the beginning of the football season.

### COUNCIL REPORTS

**Vice Mayor and Councilman Gene Gallo, Ward I:** Excused from the meeting.

**Councilwoman Marianne Barnebey, Ward II:** Invited everyone to attend the Heritage Festival Parade on Saturday, April 29, 2006.

Councilwoman Barnebey announced that the 13<sup>th</sup> Avenue Community Center fundraiser would be held at River Wilderness on Friday, May 5<sup>th</sup>. She stated that, among others, football players Ronde and Tiki Barber would be in attendance at the gala.

**Councilman Patrick Roff, Ward III:** Stated that he had been contacted by the president of the Shuffleboard Courts in Ballard Park regarding a letter from Carl Callahan terminating the shuffleboard lease agreement due to a planned development project.

Councilman Roff stated that, after talking to Mr. Callahan and Bill Theroux, Downtown Development Authority Director, the developer had backed out of the proposed planned project.

Councilman Roff stated that due to this recent news he had made a decision to allow the members to utilize the courts on a month-to-month basis until such time that they would have to vacate the property.

The Council members verbally agreed with his decision.

Mr. Callahan stated that the lease agreement had been maintained on a month-to-month basis for the last two years. He stated that with the annual 60-day renewal date approaching on June 24, the letter had been sent to notify the league that there would be no renewal.

Mr. Callahan stated that, with Council's approval, the shuffle boarders, with the understanding that the lease would terminate on June 24, 2006, and that their insurance was needed to be kept up-to-date, they could continue to use the courts, providing that they would vacate from the property on short notice.

Councilwoman Barnebey stated that the shuffle boarders would have to realize that tournaments could not be scheduled in advance as the revitalization of this area was important in the overall plan for redevelopment.

Mr. Callahan stated that he would send another letter to the group restating the lease terms and the necessity to avoid long-term commitments.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman James Golden, Ward V:** Stated that he had attended a meeting of the Council of Governments where the issue of an Interlocal Agreement on Impact Fees and their affect upon the surrounding communities, county's and school board's had been discussed.

Councilman Golden stated that he had concerns with the definition of the term "impact fees" and their intended use. He stated that currently their use was only for the impact on school systems caused by development. He stated he did not believe this was in the best interest of the city.

Councilman Golden requested that the City Attorney research to see if development impact fees could be used for expansion of existing schools.

Mr. Lisch stated that he would closely review the Interlocal Agreement and impact fee definition and report back to council of his findings.

**Mayor Wayne Poston:** Stated that he and Mr. Callahan had been conducting ongoing negotiations with the Manatee Players and would like to see them stay in Bradenton but did not want to create a war against Palmetto.

Mr. Callahan stated that an ideal location for the players would be on the waterfront next to the Promenade. He stated that a proposed location had been presented to the Bradenton Riverfront Partners (BRP) who leased the property from the city.

He stated that the BRP was favorable to the proposal on a 1-1.5 acre parcel at the end of 7<sup>th</sup> Street West and 3<sup>rd</sup> Avenue close to the railroad tracks on the Promenade side.

Mr. Callahan listed five 5 terms of the proposal. They were as follows:

1. To provide the site with a \$1.00 year long term lease.
2. To work toward a fee simple ownership.
3. The City would provide a \$2 million loan.
4. The loan would be at the present rate of 4.5% interest only.
5. The loan would be for a period of construction plus five (5) years.

Councilwoman Barnebey stated that she was very pleased with what had been presented tonight as it would have been a loss for Bradenton should the Players move elsewhere. She regretted that she was not able to vote on this issue as her husband, Mark Barnebey, was the attorney for the Manatee Players.

Mr. Callahan stated that the purpose of presenting this proposal now was to expedite the planning and permitting so the Players would not lose the \$1.7 million bequeathed to them by missing the deadline on the start of construction by September, 2006.

**Mark Barnebey**, attorney representing the Manatee Players, stated that he had also received a proposal presented by the City of Palmetto. He stated that this was the first time he had heard the official offer from the City of Bradenton. He stated that no decision had been made. He stated that a board meeting was scheduled tomorrow April 27, 2006, to evaluate and expedite a decision on both conceptual proposals.

General discussion: Understanding the terms and to move forward with the proposal as presented.

**Ron Allen**, representing Bradenton Riverfront Partners, stated that BRP was in favor of the proposal to have the Manatee Players on the Promenade site as presented with only the legalities to be worked out.

**MOTION TO CONTINUE the negotiation as presented to keep Manatee Players in Bradenton was made by Councilman Golden/Councilman Smith and carried 3-0 for approval.** (Councilwoman Barnebey abstained from voting and Vice Mayor Gallo absent from voting.)

## CONSENT AGENDA

### **Approval of Minutes for April 12, 2006.**

**REQUEST BY Jay Burnell** to hold a Walk/Run on Thursday, May 18, 2006 in conjunction with the Bradenton Get Down event to raise money for the Arthritis Foundation which would involve a road closure from 6:15 p.m. to 8:15 p.m. on 3<sup>rd</sup> Avenue at Old Main Street, 10<sup>th</sup> Street, and the outside southbound lane on the Green Bridge.

Discussion: That the police department would coordinate the post workday traffic flow.

**MOTION TO APPROVE the Consent Agenda with the April 12, 2006 minutes and the request by the Arthritis Foundation was made by Councilwoman Barnebey/Councilman Smith and carried 4-0 for approval.** (Vice Mayor Gallo absent from voting)

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

**AX.06.0014 WARD 4 NEIGHBORHOOD 20.03**

Request of Marla Hough, agent for RMC Partners, Ltd., owner, to annex to the city of Bradenton certain land contiguous thereto located at 4455 SR 64 East.

**SECOND READING OF PROPOSED ORDINANCE 2823 PUBLIC HEARING**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 4455 SR 64 EAST AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor.

**Marla Hough** gave a brief overview of the site previously used as an Eckerd's Drug Store in the Riverdale community.

Anyone in opposition, hearing none, the public hearing was closed.

Matt McLachan gave the Department of Planning and Community Development staff report with the recommendation for approval and stated that this annexation did not create an enclave.

**MOTION TO APPROVE AX.06.0014, Ordinance 2823 was made by Councilman Smith/Councilman Golden and carried 4-0 for approval.** (Vice Mayor Gallo absent from voting)

**AX.06.0013 WARD 4 NEIGHBORHOOD 2.03 RS**

Request of Stephen W. Thompson, Esquire, agent for EU-US, LLC, owner, for an annexation of 18.1 acres located at 4915 1<sup>st</sup> Avenue East. (Zoned County A1)

**SECOND READING OF PROPOSED ORDINANCE 2824 PUBLIC HEARING**

*AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 4915 1<sup>st</sup> AVENUE EAST AND LEGALLY DESCRIBED.*

The public hearing was opened, those in favor come forward.

**Stephen Thompson**, gave a brief overview of the annexation site which would furnish City utilities to serve the parcel. He stated that the Joint Planning Commission (JPC) reviewed the request on April 3, 2006 and had no objections to this annexation. He stated that annexing the parcel would not create an enclave. He stated he was in agreement with the staff report and the two stipulations as recommended.

Those in opposition, come forward.

**Isabel Wetz**, 3006 73<sup>rd</sup> Street East voiced her disapproval of the annexation as it would be placing the surrounding neighborhoods in danger due to increased traffic flow.

The public hearing was closed.

Matt McLachlan gave the Department of Planning and Community Development staff report with the staff recommendation for approval with the following two (2) stipulations:

1. Future development of the subject property was subject to the requirements of the ACCORD, including but not limited to impact fee equivalency as defined in the ACCORD, Section 4.B (5), or the latest, mutually approved definition between Manatee County and the City of Bradenton;



Mr. Thompson stated that Judge Dubensky had determined and ruled for a Final Order of Quiet Title, Case No.: 2005-CA-3676, certifying ownership of this small strip of land to his client, Southern Hospitality Associates, LLC.

Those in opposition, come forward.

**Isabel Wetz**, 3006 73<sup>rd</sup> Street East, requested delay for approval to annex this small parcel of land so that she could obtain proper legal representation. She stated that she was given no proper notice of the hearing. She stated that she was waiting on a response from Judge Dubensky regarding a letter she sent to him requesting the appeal of his decision.

Note: Isabel Wetz had previously addressed the Council concerning the property, additional time had been granted to get this item rescheduled. (Refer to August 10, 2005 minutes.)

Mr. Lisch stated that a motion to appeal had not been filed within the proper period of time.

The public hearing was closed.

Matt McLachlan stated that the Department of Planning and Community Development staff recommended approval of the request with the following two (2) stipulations:

1. Future development of the subject property was subject to the requirements of the ACCORD, including but not limited to impact fee equivalency as defined in the ACCORD, Section 4.B (5), or the latest, mutually approved definition between Manatee County and the City of Bradenton;
2. Future development of the subject property may require certain land use studies and analysis as part of any preliminary or final development approvals, as determined by the Department of Planning and Community Development Director.

General discussion: That the Council was in receipt of a court order.

**MOTION TO APPROVE AX.06.0015, Ordinance 2826 with the Department of Planning and Community Development staff recommendation with two stipulations was made by Councilman Smith/Councilman Golden and carried 4-0 for approval.** (Vice Mayor Gallo absent from voting)

#### NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

There was no new business.

#### DEPARTMENT HEADS

**Carl Callahan:** Nothing to report.

**Chief Souders:** Nothing to report.

**Staci Cross:** Nothing to report.

**Chief Radzilowski:** Was proud to announce that the police department would be going through an accreditation assessment by the Commission on Accreditation for Florida Law Enforcement Agencies (CALEA) and felt confident that the department would be

successful in passing, which would give the department national and international accreditation status.

Chief Radzilowski stated that on Mother's Day weekend, May 13 & 14, 2006, the department would be collecting firearms for food and clothing at two locations: 1500 Martin Luther King Boulevard and 2004 14<sup>th</sup> Street West.

**John Ormando:** Nothing to report.

**Matt McLachlan:** Nothing to report.

**Bill Lisch:** Nothing to report.

**Carolyn Moore:** Nothing to report.

### **ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 8:00 p.m.

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