

**APPROVED BY**  
**August 27, 2003**  
**CITY COUNCIL**

**CITY COUNCIL MEETING**  
**July 9, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on July 9, 2003 at 8:30 a.m.

Present: Councilman Ward I Gene Gallo  
Councilwoman Ward II Marianne Barnebey  
Vice Mayor and Councilwoman Ward III Michele Weaver  
Councilman Ward V James T. Golden

Also Present: 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, Planning Services Director  
Staci Cross, Information Technology Director

Press: Bradenton Herald  
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Mayor Poston requested a moment of silent prayer for Cal Tresch, the Supervisor of Parking Enforcement who passed away July 8, 2003.

Ecumenical prayer was led by Reverend Paul Scheele, First Congregational Church.

Flag salute was led by Vice Mayor Weaver.

Councilman Ward IV Bemis Smith was excused from the meeting.

**PRESENTATION:**

**PUBLIC WORKS - Employee Recognitions**

John Ormando recognized the following employees:

July Employee of the Month - **Jim Snyder**, Electrical Department, Supervisor of the Quarter - **Mark Williams**, Water Reclamation Facility, Team of the Quarter - Assistant Superintendent, **Doug Dobbs**, Foreman - **Bob Pasco**, Foreman - **Ralph Horton**, Crew Chief - **Tracy Fulghum**, Crew Chief - **Scott Webb**, Operator - **Eric Williams**, Operator - **Cliff Brown**, Maintenance Workers - **Chris Purington**, **Jesus Reyes**, **Cliff Shaw**, **Joe Allard**.

John Cumming recognized and awarded two employees **Terry Parsley** and **Anthony Moore** from the Storm Drainage Department who found a stolen wallet. He stated that Terry and Anthony returned the wallet to the proper owner who tried in-turn to reward them with cash which they refused. He commented that he was proud of the loyalty and trustworthiness that Terry and Anthony had shown and that there were many other employees in the department that had the same standards of trust and loyalty.

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

**PUBLIC COMMENTS:**

**Ella Harrison**, 1206 2<sup>nd</sup> Avenue East voiced her concern regarding a posted sign which displayed the incorrect time for the Council meeting on the Riverside development. She requested that the Riverside issue be addressed again due to the insufficient notice.

Bill Lisch stated he was currently reviewing the state statute regarding this issue.

Larry Frey stated that it was not a state law but a City requirement for the property owner to post the public notice for a hearing on land use. He stated that it was a state law which only required a legal notice for advertising which had been met.

Discussion: Requirements by the City and what the state law required for notices.

**Trudy Williams**, 322 14<sup>th</sup> Street East stated that the issue regarding the Riverside development was not in compliance with the City's Comprehensive Plan and sited Section 703.6 "That the City will maintain and improve public access to the Manatee River."

Larry Frey stated that he disagreed with Trudy Williams's interpretation of the Comprehensive Plan and stated that the recent vacation for the development site on Riverside Drive East did not have adequate public access.

**Sara Williams**, 322 14<sup>th</sup> Street East requested to re-hear the vacation of right-of-way regarding the Riverside development due to the improper notice and that as a child she accessed this part of the river and used it frequently.

**Robin Moorland**, 1210 27<sup>th</sup> Street East voiced her opposition to the Riverside development and for the closure of Riverside Drive East.

**Ellen Campbell**, Meals on Wheels Executive Director requested consideration for funding under the CDBG funds as Meals on Wheels missed the recent application process.

Mayor Poston stated that this issue would be brought up later in the meeting.

**COUNCIL REPORTS:**

**Councilman Gene Gallo, Ward I:**

Councilman Gallo requested to review the current fireworks ordinance for stricter enforcement.

Bill Lisch stated he would discuss this issue at a law conference he would be attending next week.

**Councilwoman Marianne Barnebey, Ward II:**

Councilwoman Barnebey stated from a recent visit to Chattanooga, Tennessee that she was encouraged to see how revitalization changed an older section of the downtown area of a large city into something that people could be proud of.

**Vice-Mayor Michele Weaver, Ward III**

Vice Mayor Weaver stated that she appreciated the informative “Daily Planet” newsletter from the Public Works Department.

**Councilman Bemis Smith, Ward IV:**

Excused absence.

**Councilman James Golden, Ward V:**

Councilman Golden thanked the Bradenton Police Department for their efforts with directing traffic to empty the downtown area quickly and efficiently after the Firework’s display.

**Mayor Poston:**

Mayor Poston stated that a workshop would be held on July 17, 2003 at Fire Station #1 for the second session in developing an “Ethic Policy” for the City of Bradenton.

Mayor Poston stated that the State of Florida had no money this year for funding the removal of Derelict Vessel’s. Mayor Poston stated that the funds would have to be found somewhere else to address this issue.

**BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:**

**SE-03-09 WARD 4 NEIGHBORHOOD 7.03 JB PUBLIC HEARING  
Request of Gus and Lisa Sokos for Special Exception approval for construction of a dock on the property located at 1619 1<sup>st</sup> Avenue East. (Zoned R-1B)**

Mayor Poston opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

**Gus Sokos**, applicant requested construction of a dock fifty feet longer than what the City Code allowed due to inadequate river depth.

Discussion: State Fish & Wildlife Commission requirements.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Mayor Poston closed the public hearing.

Larry Frey stated that this request exceeded the maximum eighty foot requirement and stated that the Development Services and Planning Commission requested **two stipulations** which are as followed:

**(Tape 1, side 2)**

1. Any light source would be focused at a downward angle for the sole use of the dock and to shield glare from the direction of the neighbors.
2. (Changed) Approval would be obtained by the Army Corp of Engineers prior to approval of the development permit.

**MOTION to approve the request with the Development Services and Planning Commission recommendation with two stipulations was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 4-0 for approval.**

**SE-03-10 WARD 4 NEIGHBORHOOD 7.02A RS**

**PUBLIC HEARING**

**Request of Patricia Petruff of Dye, Dietrich, Prather, Petruff and St. Paul, agent for Ronald Jarvis, Owner and President of the Fumble Inn Inc., to allow an indoor amusement\lounge facility on the property located at 2505 Manatee Avenue East. (Zoned C-3)**

Mayor Poston opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

**Patricia Petruff**, Dye, Dietrich, Prather, Petruff and St. Paul agent for applicant gave a brief history of the existing restaurant and sports bar known as the *Fumble Inn*. She stated that there was a pending contract to relocate the *Joyland* facility to this location with interior renovations. She displayed an aerial photograph of the property and gave a brief overview of the proposed use for the facility and parking lot location. She stated that the owner currently had the adjacent lot under contract for an additional parking lot.

Lengthy discussion: Concerns for overflow parking and noise.

Further discussion: Concerns for crowd control and building capacity for special events.

**Rick Lambert**, Manager of *Joyland* and **Ron Jarvis**, owner of *Fumble Inn* gave a brief description of the certain type of customers who frequent *Joyland* and the *Fumble Inn*. They discussed the surrounding area to *Fumble Inn*. They requested not to continue this issue and that they would work out any problems which needed to be resolved.

**(Tape 2, side 1)**

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward. No one came forward.

Councilman Gallo requested to table this request to the next Council meeting for the Development Services Staff and Council to thoroughly research the concerns regarding noise, parking, crowd control, reported police activity and building capacity.

**MOTION to continue the public hearing to July 23, 2003 was made by Councilman Gallo, seconded by Councilman Golden and carried 4-0 to continue.**

**ABL-03-04 WARD 4 NEIGHBORHOOD 7.02A RS**

**PUBLIC HEARING**

**Request of Patricia Petruff of Dye, Dietrich, Prather, Petruff and St. Paul, agent for Ronald Jarvis, Owner and President of the Fumble Inn Inc., to upgrade an existing 4-COP/SRX alcoholic beverage license to a 4-COP license on the property located at 2505 Manatee Avenue East. (Zoned C-3)**

Mayor Poston opened the public hearing.

No discussion followed.



**Ruth Seewer**, Development Review Manager on behalf of Mr. Cooper's absence stated that the applicant would like to install a barbed wire fence which required City Council approval. She referred to photographs showing surrounding businesses in the area which already had existing barbed wire fences. She stated the Development Services Staff had no objections to the request.

Discussion: That the existing barbed wire fences had been approved by a previous City Council and that an alarm system on the building would be more appropriate than a barbed wire fence.

**MOTION to deny the request was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 to deny the request.**

**Proposed Consolidated Plan for 2003-2008, One - Year Action Plan and Projected Use of Funds for Fiscal Year 2003-04.** **PUBLIC HEARING**

**Jeana Winterbottom**, Grants and Assistance Administrator distributed copies and briefly gave an overview of the Annual Action Plan report and the Five Year Consolidated Plan report.

She stated that this public hearing was for public input regarding any comments and recommendations for the two plans. She stated that July 23, 2003 would be the final adoption of the two plans.

Discussion: To direct staff to review the application to consider and include Meals on Wheels in the plan.

Councilman Gallo requested Ms. Winterbottom to research as to how much Manatee County was contributing to the agencies listed in the report. He stated that he had a concern about the City tax payers paying through the City and also through the County.

***(Tape 2, side 2)***

Councilman Golden requested a copy of the current carry over funds status.

Mayor Poston opened the public hearing and requested anyone who would like to comment on this issue to please come forward. No one came forward.

Mayor Poston closed the public hearing.

**MOTION to direct staff to review and consider Meals on Wheels for twenty thousand dollars to be included in the Consolidated Plan was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 4-0 for approval.**

Councilman Golden requested Jerry West to comment on the recommendation for the Central Community Redevelopment Agency- CCRA beautification request and that the CCRA not be included in the one year funding plan but to include them in the 5 year action plan with funding potentials from carry over money.

Jerry West, Executive Director stated that Larry Frey and Jeana Winterbottom had been informing him of any updates regarding the plans.

**Carl Callahan**

**A RESOLUTION APPOINTING RON SANTARLAS TO THE PERSONNEL MERIT BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.**

Mayor Poston stated that Ron Santarlas was his brother-in-law and asked if the Council had any objections to Mr. Santarlas appointment to please comment now.

No one in the Council voiced their objections.

**MOTION to approve the resolution was made by Councilman Gallo, seconded by Councilman Golden and carried 4-0 for approval.**

**Larry Frey**

**IMPACT FEE REPORT**

Larry Frey gave a brief overview of the problems and concerns that the Development Services Staff had for the collection of the Parks and Recreation Impact Fees and the Public Safety Impact Fees. He gave a brief report of the existing Impact Fees and the School Board Fees collected and commented on future projected fees.

He stated that the staff recommended six actions which did not require approval by the City Council. They are as follows:

1. The 2002 impact fees and interest not be expended at this time for Parks and Recreation and Public Safety and be rolled over into the 2004-2005 calendar year report in order to build up sufficient funds to accommodate a more broad set of eligible capital improvements.
2. A prescription for implementing an impact fee tab or field into the EDEN programming to begin establishing an accurate historical database.
3. Determination of how impact fees have been previously calculated with regard to the outstanding discrepant amounts between systems, including a policy-driven procedure of determining collected versus charged amounts.
4. Utilization of the pending Capital Improvement Program to identify and prioritize city-wide capital improvements in association with impact fees and other eligible revenues.
5. Adherence to the capital improvement definition as defined in their respective ordinance language and not to be subject to the Comprehensive Plan threshold of \$25,000.
6. An annual reporting date at the first City Council meeting in March of each year for prior calendar year figures, in order to coincide with annual budgetary discussions. **NO ACTION WAS NEEDED BY COUNCIL**

**DEPARTMENT HEADS:**

**Carl Callahan**

Nothing to report.

**Chief Souders**

Nothing to report.

**Staci Cross**

Staci Cross gave a brief overview of the Eden system regarding training, other applications, data input and retrieval of the data.

She stated that she was currently working on a wireless network which would connect Public Works to the City's main network.

***(Tape 3, side 1)***

**Chief Radzilowski**

Chief Radzilowski stated that the FBI would be conducting a training seminar in the City Auditorium Friday, July 18, 2003.

Chief Radzilowski presented an "Accreditation Award Plaque" to Mayor Poston which was awarded to the Bradenton Police Department by the State Accreditation Commission.

**John Cumming**

Mr. Cumming gave a brief report on the road improvements from 3<sup>rd</sup> Avenue on 7<sup>th</sup> Street up to Manatee Avenue.

Mayor Poston stated that the City had retained an attorney as a consultant to review the City's "Bid Process" to see if there could be a more efficient way to better the bid process for projects through out the City.

**Larry Frey**

Nothing to report.

**Bill Lisch**

Bill Lisch stated that under the "Fair Housing Act" should an issue regarding discrimination could not be resolved locally then the issue would have to be heard before an Administrative Hearing Officer. He stated that an attorney would have to be retained to oversee a particular matter at an Administrative Hearing.

**He requested approval when required and when an issue could not be resolved locally to contract an independent attorney to oversee the hearing.**

No discussion followed.

**MOTION to approve the request was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 4-0 for approval.**

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 12:00 p.m.

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