

**CITY COUNCIL MEETING
October 23, 2002**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on October 23, 2002 at 6:00 p.m.

Present: Councilman Ward I Gene Gallo
Councilwoman Ward II Marianne Barnebey
Vice Mayor and Councilwoman Ward III Michele Weaver
Councilman Ward IV Bemis Smith
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
Al Hogle, Police Chief
Larry Frey, Planning Director

Press: Bradenton Herald
Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Prayer was led by Father Jack Costello, St. Joseph's Catholic Church.

Flag salute was led by Councilman Smith.

MINUTES:

Minutes for September 25, 2002

No discussion followed.

Motion to approve the September 25, 2002 minutes was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

PROCLAMATION:

Mr. Callahan read the following:

Farm City Week Proclamation

Neal Garrison and Earl Lucas accepted the proclamation and stated that Manatee County's agricultural industry provided food, jobs and annually approximately 450 million dollars on economic impact in our county. He stated that Farm-City Week provided an opportunity for farm and city neighbors to become re-acquainted with each other and to understand the problems and desires of the community.

Mr. Callahan read the following:

American Patriotism Week Proclamation

Mr. Callahan stated that the proclamation proclaim November 11-15, 2002 as American Patriotism Week asking all citizens to proudly display the flag of the United States of American and by conducting and attending ceremonies during that week.

Councilwoman Barnebey accepted the proclamation thanking Mayor Poston for the recognition.

POINTE WEST MEDICAL PARK SIGN

Bill Galvano, representative for the Point West Medical Park property owners requested approval for an identification sign approximately 80 square feet in a public right-of-way. Mr. Galvano stated that the sign was necessary in order to identify the doctors located within the park.

Larry Frey stated that the Planning Staff recommended that the sign did not exceed 62 square feet.

Councilman Gallo stated that he surveyed and measured various signs in the immediate area and stated that the signs ranged anywhere from 70 square feet to 200 square feet. Councilman Gallo stated that because of the location of this sign he supported Mr. Galvano's request for the 80 square foot sign.

Discussion: Size requirements for signs.

Motion to approve the request was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.

PRESENTATION:

Bradenton Fire Department

Chief Souders and Fire Marshal Dave Dobrzykowski presented Letters of Commendation to two civilians, **Chris Button** and **Allen Frost** for their extraordinary heroic act in extinguishing a fire at Jessie P. Miller School.

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

(Tape 1, Side 2)

PUBLIC COMMENTS:

Les Atwood, 1010 Riverside Drive East voiced his concern for a house owned by Mr. Spears, 1039 Riverside Drive East and stated that the owner was under a code violation for an addition which had not been permitted. He asked that the City site other buildings in the area for violation. He asked why was Mr. Spears singled out.

Mayor Poston asked if Larry Frey would look into this issue.

Discussion: Sales contract pending on Mr. Spears property.

Reverend Calvin Johnson, 601 10th Avenue East voiced his concern for the lack of bathroom facilities for the children playing at the Reverend Lazier Football Field. He asked about an incident regarding a Bradenton Police Officer pulling a gun on Mr. Hicks. He asked when would the Police Bicycle Patrol be coming to the east side of town.

Chief Hogle stated per his previous conversation with Reverend Johnson that he had made an appointment with Mr. Hicks to discuss the incident.

Chief Hogle stated that the Bicycle Patrol was known as the "Safe Street Unit". He gave a brief synopsis of the process stating that it was a lengthy government requirement but that his goal was to have the unit operational around December 12, 2002.

James Eubanks, a Sarasota resident stated that he had a contract pending on the property located at 1039 Riverside Drive East for the trust of Mary Alice Spear, owner of the property. He commented that at this time he would not be interested in vacating Riverside Drive East.

(Tape 1, side 2)

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Councilman Gallo stated he had spoken to Barbara Elliott who advised him that \$360 had been collected from the Poker Run last week. Councilman Gallo stated that she specifically requested this money to be designated for future motorcycle parking on Palma Sola Causeway.

Bill Lisch stated that we can accept the donation and if motorcycle parking was never provided then the money could be refunded back to the Palma Sola Alliance.

Councilwoman Marianne Barnebey, Ward II:

Councilwoman Barnebey stated that anyone interested in participating in the decorating contest for American Patriotism Week could apply on-line at www.patriotismweek.com website.

Councilwoman Barnebey asked Larry Frey for an update on the Monk Building.

Larry Frey stated that nothing had been done since the last report.

Discussion: Problems with the two permits which had been submitted. Questions were asked as to how historical was the Monk Building and should the building be demolished.

Lengthy discussion: No selective enforcement. To request Larry Frey provide a list of other buildings in the area that needed to be demolished or immediately renovated.

Larry Frey stated he would look into this issue and would report at the next Council meeting.

Larry Frey stated that he was implementing a new program in the Planning Department for site plans and other issues to be resolved and to have the plans be distributed as quickly as possible.

Vice-Mayor Michele Weaver, Ward III

Nothing to report.

Councilman Bemis Smith, Ward IV:

Councilman Smith voiced his appreciation to “Keep America Beautiful” and to the Public Works Department for the new landscaping entering into the east gateway to the City on State Road 64.

Councilman James Golden, Ward V:

Councilman Golden welcomed Larry Frey to his new position and stated he looked forward to working with him in the future.

Mayor Poston:

Nothing to report.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

Mr. Callahan read the following:

**ABL-02-04 WARD 4 NEIGHBORHOOD 20.04 PUBLIC HEARING
Request of Michael Quillen of Gecko’s Grill and Pub, as agent for Benderson Development, for approval of a 4COP\SRX Alcoholic Beverage License (beer, wine and liquor consumption on premise with 51% food sales) on the property located at 4310 State Road 64 East (Zoned PDP\C-3).**

Mayor Poston opened the public hearing and requested anyone wishing to speak in favor of the request to please come forward. No one came forward.

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

No discussion followed.

Mayor Poston closed the public hearing.

Larry Frey stated that the Planning Commission and the Planning Staff recommended approval of the request.

Motion to approve the request was made by Councilman Smith, seconded by Vice Mayor Weaver and carried 4-1 for approval with Councilman Golden in opposition.

Mr. Callahan read the following:

R-02-04 WARD 4 NEIGHBORHOOD 7.03 FIRST READING OF AN ORDINANCE
Request of Audrey Holst, President of Unlimited Mortgage Resources Inc., owner, for a Zoning Atlas Amendment to change the designation from R-1B to C-1 for the property described as the south 85 feet of Lot 8, excepting any part thereof conveyed by Mrs. English to Flora Orcutt per deed book 118, Page 19, PRMCF, also the north 10 feet of Lot 13, Easterling Subdivision, as per the plat thereof recorded in Plat Book 1, Page 152, PRMCF, and located at 402 9th Street East. (Zoned R-1B)

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM R-1B TO C-1 OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 402 9TH STREET EAST AND LEGALLY DESCRIBED.

Motion accepting the first reading and to set the second reading and public hearing for November 20, 2002 was made by Vice Mayor Weaver, seconded by Councilman Smith and carried 4-0. (Councilwoman Barnebey was absent from the Chambers.)

Mr. Callahan read the following:

A-02-02 WARD 2 FIRST READING OF AN ORDINANCE
Request of Clifford Walters Esq. Of Blalock, Landers, Walters & Vogler P.A., as agent for Episcopal Day Private School DBA St. Stephen's Episcopal School, for annexation of land contiguous to the city limits located at 315 41st Street West and 222-304 37th Street West.

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 315 41ST STREET WEST AND 222-304 37TH STREET WEST AND LEGALLY DESCRIBED AS.

Councilman Gallo asked about the request from Manatee regarding the request on the outstanding issues concerning drainage easements, perimeter roadways and potable water/sanitary sewer.

Bill Lisch stated that this issue did not have to be addressed prior to the annexation and could be addressed at the time of the development plan.

Motion accepting the first reading and to set the second reading and public hearing for November 20, 2002 was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Mr. Callahan read the following:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE CITY OF BRADENTON SECTION 8 REVISED ANNUAL PLAN; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that this important grant served Five Hundred and Nineteen families at approximately Two Million Five Thousand Dollars annually. He requested that the Council authorize Mayor Poston to sign all the documents regarding the grant.

Councilman Golden stated that Lesa Ramos, Section 8 Housing Director did an outstanding job with the presentation of this plan.

Motion to approve the resolution and authorizing Mayor Poston to sign all documents regarding the grant was made by Councilman Golden, seconded by Vice Mayor Weaver

Mr. Callahan read the following:

The Herald Tribune is requesting to hold Yulefest 2002 on November 23, 2002 from 12 noon to 10:00 p.m. on Barcarrota Boulevard from Old Main Street to 10th Street.

Discussion: Problems scheduling events with auditorium events utilizing the parking lot.

Motion to approve the request was made by Vice Mayor Weaver, seconded by Councilman Smith and carried 4-1 for approval with Councilman Golden in opposition.

Mr. Callahan read the following:

The Arthritis Foundation is requesting to hold the Jingle Bell Walk/Run for Arthritis on Thursday, December 5, 2002 starting and finishing at Manatee Memorial Hospital parking lot.

No discussion followed.

Motion to approve the request was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Larry Frey

Two Legal Notices

Larry Frey requested permission to clear an oversized lot owned by Starco Ventures, Inc. and located at 3700 State Road 64 East to impose a lien on the property for the cost.

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

Mayor Poston closed the public hearing.

Motion to approve the request was made by Councilman Smith, seconded by Vice Mayor Weaver and carried 5-0 for approval.

Larry Frey requested permission to demolish a house and impose a lien for the cost on a property owned by The Estate of Hilton Williams, James T. Williams, Darryl Williams, Barnett Recovery Corporation, Skyway Technology Group, Inc., State of Florida, Manatee Hospital & Health Systems, Inc. located at 604 11th Avenue East.

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

Mayor Poston closed the public hearing.

Motion to approve the request was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 5-0 for approval.

BUSINESS BY APPOINTMENT:

Old Manatee Neighborhood Improvements

Dian Weldon, 1212 2nd Avenue East distributed copies of a proposal submitted by the Old Manatee Neighborhood Association. She gave a brief report on the opinions of neighbors with a request for improvements that they would like to recommend to the Council.

Mayor Poston stated that the Public Works Department drafted a rough estimate of the cost for the proposed improvements totaling \$1,758,714. Mayor Poston advised Ms. Weldon the he previously asked that Dale Ward contact the Downtown Development Authority regarding the Master Plan project for their area.

Discussion: Basing the cost estimate prices on current work contract prices.

Larry Frey gave a brief overview of future plans for Glazier Park.

(Tape 2, Side 1)

Trudy Williams, 322 14th Street East stated that the proposal plan extends further east than what the Downtown Development Authority could assist with financially. She stated that many of the items were for infrastructure and stated that her neighborhood had been neglected by the City and asked the City to consider doing something in her Ward.

Councilman Gallo stated that the City was placing extra police officers at an additional expense to patrol her ward. Councilman Gallo advised Ms. Williams that the process was for her to discuss what part of their request was that the Downtown Development Authority could assist with then approach the City Council during the next budget process.

Discussion: Considering a sales tax revenue or other sources of revenue to cover these types of projects.

Trudy Williams, in audience (inaudible).

Jeff Williams, (no address given) stated that his property value had been continually increasing and that this was one way to obtain the revenue to fund these projects in his neighborhood.

Councilman Smith listed numerous improvements that the City and the Downtown Development Authority had made for the betterment of this area in the past few years.

John Otis Emerson Levesque , 216 18th Street East stated that the original core group of the Old Manatee Neighborhood Association no longer existed because they had been alienated due to confrontations from the current small group of members. He stated some of the accusations that had been made at this meeting were not felt by the majority of the neighborhood. He stated that the majority of the residents were appreciative of what the City and the Downtown Development Authority had done for their neighborhood.

Mayor Poston stated that the City of Bradenton and the Manatee County Commissioners have requested to draft a letter to the Army Corp of Engineers. He stated that the letter requested a public hearing regarding the process for changing dry slips to wet slips at the Perico Harbor Marina and to keep the County and City informed of the process. Mayor Poston stated that there had been an advertisement for a public hearing but that it had been extended thirty days by the Corp of Engineers. He stated that Manatee County and the City had not been advised by the Corp regarding the plans for this project. Mayor Poston stated that Larry Frey had been communicating with the Army Corp of Engineers to obtain information on this project.

Ray McLarney, 2213 19th Avenue West, lead consultant for the Perico Harbor Marina project stated he would be happy to present this project with experts at the next Council meeting. He stated that it would explain the process and why it would be beneficial to the City and County. He commented that this project was praised as the best application from Department of Environmental Protection and that the plan was to seek approval for the second largest dredge and fill project in the State of Florida since Port Manatee. He stated the process was to seek approvals first from the Army Corp of Engineers and the Department of Environmental Protection then have the project come before the City Council for approval.

Discussion: The next meeting would be premature and requested to extend the presentation at a later date.

Further discussion: Whether the process should come before the Council first then to other agencies for approval.

DEPARTMENT HEADS:

Carl Callahan

Mr. Callahan stated that a distributed memorandum from Renee Snyder gave recognition to the various City Department's for good safety records.

Chief Souders

Chief Souders thanked Mayor Poston and Councilwoman Barnebey for attending the Firefighters Memorial.

Chief Hogle

Chief Hogle stated that the accreditation process was moving positively forward with a mock review sometime at the end of December, 2002.

Chief Hogle stated he would follow up on Reverend Johnson's request.

Chief Hogle stated that the police department had hosted St. Petersburg Junior College on a class titled "Criminal Conspiracy".

Chief Hogle stated he would be attending a "New Police Chief Class" accompanied by the City of Palmetto Police Chief Gary Lowe in Tallahassee.

Chief Hogle stated that Major Lewis had been accepted to attend the National FBI Academy.

John Cumming

John Cumming congratulated the Electrical Department and to the Sewage Collection Department for an outstanding record with no accidents reported.

Larry Frey

Larry Frey stated he was positive with future plans in the Planning Department and stated he accepted this great challenge before him.

Larry Frey stated he was in the process of making various changes in the Planning Department the first change was to rename the department to "Development Services."

Bill Lisch

Nothing to report.

ADJOURNMENT

There being no further business, Mayor Poston adjourned the meeting at 8:30 p.m.

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