

**CITY COUNCIL MEETING  
July 23, 2003**

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

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on July 23, 2003, 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  
Michael Radzilowski, Police Chief  
Larry Frey, Planning Services Director  
Staci Cross, Information Technology Director

Press: Bradenton Herald  
Manatee Herald Tribune  
Channel 40

The meeting was called to order by Mayor Poston.

Ecumenical prayer was led by Mary S. Howell.

Flag salute was led by Councilman Smith.

**MINUTES:**

**Minutes for Approval of June 11, 2003.**

No discussion followed.

**Motion to approve the June 11, 2003 minutes was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 5-0 for approval.**

**Minutes for Approval of June 25, 2003.**

No discussion followed.

**Motion to approve the June 25, 2003 minutes was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 5-0 for approval.**

**PROCLAMATION:**

**WOMEN'S EQUITY DAY**

Vice Mayor Weaver read the proclamation proclaiming August 26, 2003 as "Women's Equity Day". She accepted the proclamation on behalf of the Manatee Commission and the Manatee County League of Women Voters.

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

**PUBLIC COMMENTS:**

**Robin Moreland, Trudy Williams and Jeff Williams** on behalf of “Reflections of Manatee” organization requested that should “Reflections of Manatee” terminate would the City undertake management of certain parcels along the Manatee River and in some sections of East Bradenton. They stated that these parcels would be acquired by a land grant from the Florida Communities Trust. They stated that the properties would be designated for parks, bike trails and canoe trails.

They stated that in a letter from the Florida Communities Trust a request was made to write a letter or created a resolution from the City stating that the City would commit funds to manage these parks, should Reflections of Manatee no longer continue to exist.

Lengthy discussion: The proposed properties, application deadline and extension of the grant, funding for the project and clarification of the letter from the Florida Communities Trust.

Vice Mayor Weaver stated that she could not support this request due to a lack of understanding for the grant application.

Councilwoman Barnebey stated that she could not support this request as there was not enough information to make a decision at this time.

*(Tape 1, side 2)*

**Motion to table this request was made by Councilman Smith, seconded by Councilwoman Barnebey and carried 4-1 with Councilman Golden in opposition.**

Carl Callahan recommended that “Reflections of Manatee” meet with Larry Frey and him to discuss and clarify this issue with Florida Communities Trust.

**COUNCIL REPORTS:**

**Councilman Gallo, Ward I**

Councilman Gallo stated that the policy deadline for items to be placed on the City Council agenda’s was Thursday prior to a Council meeting at 2:00 p.m. He requested that every effort be made to abide by this policy as this gave the Council time over the weekend to review the issues which were coming before them.

**Councilwoman Barnebey, Ward II**

Councilwoman Barnebey stated that she attended a workshop organized by Manatee County Commissioner Ron Getman regarding the fireworks issues throughout the City and County. She stated that Commissioner Getman was considering a revision in the County’s ordinance on this issue. She strongly recommended that the City be involved with this issue.

**Vice Mayor Weaver, Ward III**

Vice Mayor Weaver thanked all the many friends and co-workers who attended Cal Tresch’s funeral on Saturday. She commented with sorrow that Cal was a large part of the City and that he would be greatly missed.

**Councilman Smith, Ward IV**

Nothing to report.

**Councilman Golden, Ward V**

Councilman Golden thanked Mayor Poston for attending the presentation at Martin Luther King Park to present a \$30,000 grant from the State to the Front Porch Council.

**Mayor Poston**

Nothing to report.

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

Mr. Callahan read the following:

**A-03-05 WARD 4 NEIGHBORHOOD 20.03 FIRST READING OF AN ORDINANCE**  
**Request of Thomas B. Brown for annexation of a 7,148 square-foot parcel of land located at approximately 5101 State Road 64 East.**

**Proposed Ordinance #2716**  
**AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 5101 STATE ROAD 64 EAST AND LEGALLY DESCRIBED.**

No discussion followed.

**MOTION to accept the first reading and set the second reading and public hearing for August 27, 2003 was made by Councilman Smith, seconded by Councilman Gallo and carried 5-0 for approval.**

Mr. Callahan read the following:

**VAC-E-03-04 WARD 1 NEIGHBORHOOD 4.08 RESOLUTION**  
**Request of Bruce and Betty Prater for vacation of an easement located at the rear of Lot 90, Cordova Lakes Phase II, at 6209 38<sup>th</sup> Avenue West.**

**A RESOLUTION VACATING AN EASEMENT LOCATED ON THE SOUTH SIDE OF 6209 38<sup>TH</sup> AVENUE WEST, BRADENTON, AND LEGALLY DESCRIBED.**

Larry Frey stated that this request was to vacate an easement to allow a swimming pool on the applicant's property and stated there were no utility issues. He stated that the Development Services staff recommended approval of the request.

No discussion followed.

**MOTION to approve the request for a vacation of an easement was made by Councilman Gallo, seconded by Vice Mayor Weaver and carried 5-0 for approval.**

Mr. Callahan read the following:

**SE-03-10 WARD 4 NEIGHBORHOOD 7.02A RS / PUBLIC HEARING CONTINUED**  
**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 continued the public hearing and requested anyone wishing to speak in favor of the request to please come forward.

**Patricia Petruff**, agent for Ronald Jarvis and Joyland stated that she had met with all of the Department Heads regarding the concerns which had been brought up at the previous Council meeting.

**(Tape 2, side 1)**

Questions were asked and answers given regarding a lack of a detailed site plan showing the renovation for the Fumble Inn facility with regards to the maximum occupancy load to include additional parking.

**Bob Schmitt**, President of Land Planning Associates gave a brief report on the additional parking with no proposal at this time for expansion of the existing building.

**(Tape 2, side 2)**

(10 minute break)

**Pat Emmett, Stella Lathe, Nancy Manso, Jeanette Able, Sylvia Hamilton** patrons of the current *Joyland* requested approval to allow *Joyland* to move into the Fumble Inn Facility. They commented that *Joyland* was a wholesome nightclub setting attracting mostly older patrons. They stated that the *Joyland* owners were very concern for safety taking extra precaution to avoid crime at the *Joyland* establishment.

Mayor Poston requested anyone wishing to speak in opposition of the request to please come forward.

**Jackie Atwood**, Riverside Drive resident and **Linda Perez**, Braden Castle resident voiced their concerns for noise, excessive traffic, access to the facility and crime increase. They stated that this type of nightclub establishment was not good for a neighborhood setting.

**(Tape 3, side 1)**

Lengthy Discussion: Concerns for maximum occupancy based on the parking spaces.

**Patricia Petruff**, in rebuttal spoke on the maximum distance from the nearest neighbor regarding the noise concerns. She disagreed with several of the stipulations and requested alternative language for stipulations 3, 6 and 7.

Mayor Poston closed the public hearing.

Larry Frey stated that the Development Services Staff recommended approval with the following stipulations:

1. Landscaping would be upgraded in accordance with the plan identified as Exhibit "E". In addition, landscaping species shall require approval by the Administrative Official.
2. The parking areas would be resurfaced and striped where necessary.
3. ~~(Deleted) The Fire Department would establish maximum capacity for the facility and said capacity would not be exceeded at any time.~~
3. Maximum capacity shall be determined according to the available on-site parking spaces, which at the time of this report represents 249 occupants for 83 spaces.

4. In the event that parking becomes a problem as determined by the City of Bradenton, the applicant/owner shall be required to provide a plan within 30 days of the determination to mitigate the problem. Such a plan may require installation of "No Parking" signs in various off-site locations.
5. A six month activity review of the facility shall take place by the City to determine existing or potential site constraint issues affected by the approval of this Special Exception.
6. The applicant shall comply with all requirements of the City of Bradenton Police and Fire Departments to ensure public safety and welfare, and to prevent the potential for creating nuisances. This may include submittal of a Traffic Study to identify potential impacts to the abutting roadway and traffic circulation based upon the proposed use.
7. Any expansion of the proposed facility to accommodate more than the established 249 occupants approved Special Exception through the City Council public hearing process.
8. Reserved.
9. *(Added)* That the facility would be operated as a country western amusement establishment.

Larry Frey stated that the Planning Commission recommended approval with the following stipulations:

1. Landscaping would be upgraded in accordance with the plan identified as Exhibit "E".
2. The parking areas would be resurfaced and striped where necessary.
3. The Fire Department would establish maximum capacity for the facility, and said capacity would not be exceeded at any time.

**MOTION to table this issue to the August 13, 2003 Council meeting was made by Councilman Gallo, seconded by Councilwoman Barnebey and carried 3-2 with Councilman Smith and Councilman Golden in opposition.** (No reasons were given for the opposition votes.)

Mr. Callahan read the following:

**ABL-03-04 WARD 4 NEIGHBORHOOD 7.02A RS /PUBLIC HEARING CONTINUED**  
**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)**

No discussion followed.

**Motion to continue the public hearing to the August 13, 2003 Council meeting was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 3-2 with Councilman Smith and Councilman Golden in opposition.**

**Walter Preston**, Clearwater, Florida owner of *Joyland* requested to cancel his request as he would plan to take *Joyland* somewhere else.

Mr. Callahan read the following:

**A-03-03 WARD 1 SECOND READING OF AN ORDINANCE PUBLIC HEARING**  
**An Ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 6218 Cortez Road West and legally described.**

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

**Rayma Stowe**, owner of Clancey's Irish Sports Club, 6218 Cortez Road West requested annexation into the City commenting that the City would provide better efficient service.

**Diane Barcus**, 2233 11<sup>th</sup> Avenue West and **Carolyn Thibodeau** 4440 Ironwood Circle patrons of Clancey's voiced their approval for the request.

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.

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

Mr. Callahan read the following:

**A-03-04 WARD 4 SECOND READING OF AN ORDINANCE PUBLIC HEARING**  
**An Ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 5012 State Road 64 East and legally described.**

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

**Bob Schmitt**, representing the applicant and owner of Braden River Animal Hospital requested approval to the annexation into the City.

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.

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

**NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:**

**Calvin Johnson is requesting to hold a neighborhood public event at the Lazier Football field on Saturday, July 26<sup>th</sup> from 4:00 p.m. to 9:30 p.m.**

No discussion followed.

**MOTION to approve the request was made by Councilman Golden, seconded by Councilman Gallo and carried 5-0 for approval.**

**A RESOLUTION ADOPTING THE CITY OF BRADENTON, FLORIDA 2003-2008 CONSOLIDATED PLAN/ONE YEAR ACTION PLAN AND PROJECTED USE OF FUNDS OR 2003-2004 PROVIDING AN EFFECTIVE DATE. PUBLIC HEARING**

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

**Jeana Winterbottom**, Grants and Assistance Administrator gave a brief report on the Consolidated Plan/One Year Action Plan and the approval process needed for funding.

She stated that the Meals on Wheels request had been submitted for approval to Housing and Urban Development- HUD for \$22,500.

***(Tape 3, side 2)***

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.

**A RESOLUTION CONTINUING 1990 ENVIRONMENTAL ASSESSMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; FINDING OF VALIDITY OF FONSI PROVIDING AN EFFECTIVE DATE.**

**A RESOLUTION AUTHORIZING FILING AND EXECUTION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS APPLICATION BY MAYOR FOR FISCAL YEAR 2003-2004; PROVIDING AN EFFECTIVE DATE.**

**MOTION to approve the three resolutions was made by Councilman Golden, seconded by Vice Mayor Weaver and carried 5-0 for approval.**

Mr. Callahan read the following public notice:

**NOTICE IS HEREBY GIVEN** that the City of Bradenton, Division of Grants & Assistance - Section 8 Housing Agency Program has developed its Third Annual PHA (Public Housing Agency) Plan for fiscal year beginning October 1, 2003. The proposed Agency Plan will be available for public review at the following during regular business hours.

- City of Bradenton - Section 8 Housing Office located at 912 7<sup>th</sup> Ave East, Bradenton, FL 34208
- Bradenton City Hall - City Clerk's located at 101 12<sup>th</sup> Street West, Bradenton FL, 34205
- Manatee County Library located at 1301 Barcarrota Boulevard, Bradenton FL, 34205

A Final Public Hearing to consider oral and written comments on the Agency Plan will be held by the Mayor and City Council acting as the Section 8 Housing Agency Board on Wednesday September 10, 2003 at 8:30 A.M., in the City Council Chambers at City Hall located at 101 Old Main Street Bradenton FL, 34205. In addition, the City Council will adopt appropriate resolutions associated with the plan and will authorize filing with the Department of Housing & Urban Development by September 12, 2003. Any public comments will become a part of the plan and mailed to HUD.

Publish one time: July 23, 2003

Ms. Winterbottom requested approval of the Title V application in which the City would act as the fiscal agent should the grant be awarded. She stated that the City did not directly pursue the grant due to limited resources and time frame. She stated the **Leslie Killel**, Manatee Glens Director brought forth a proposal using a Juvenile Justice grant to be used for tutoring and mentoring the youth within the boundaries of 15<sup>th</sup> Street East, extending to 27<sup>th</sup> Street East, south of Martin Luther King Boulevard and extending to the southern most boundaries. She stated that the City would be used only as a fiscal agent which would allow Manatee Glens to receive the grant.

She recommended approval to accept the proposal as submitted.

No discussion followed.

**MOTION to approve the recommendation was made by Councilman Golden, seconded by Councilman Smith and carried 5-0 for approval.**

Special thanks went out to **Leslie Killel**, Director of Manatee Glens, **Sherrod Haliburton** and Community Liaison for the Front Porch Council and **Duane Josey**, Rogers Community United Methodist Church for their help with the writing of the grant.

#### **PROPOSED WILMINGTON LAND COMPANY AGREEMENT**

Bill Lisch stated that this agreement was for the Pat Neal project to reconstruct Natalie Way and to install a County reclaim water main.

Mr. Lisch and John Cumming recommended approval of the agreement.

No discussion followed.

**MOTION to approve the recommendation was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 5-0 for approval.**

#### **SETTING TENTATIVE MILLAGE RATE**

Carl Callahan gave a brief description of the revenue and expenses anticipated in the next budget year. He stated that the current millage rate was 4.30 and recommended to set the tentative millage rate to 4.45 for the 2003-2004 City budget.

Discussion: Proposed date for the budget workshop was August 12, 2003. The Budget public hearings would be set for September 10<sup>th</sup> at 5:01 p.m. and September 24<sup>th</sup> at 5:01 p.m.

**MOTION to approve the tentative millage rate of 4.45 was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 5-0 for approval.**

#### **DEPARTMENT HEADS:**

##### **Carl Callahan**

Nothing to report.

##### **Matt Keller**

Matt Keller assured Mayor Poston and City Council that when a developer comes before City Council it was the policy of the Fire Department to assist developers on initial occupancy capacities and other fire code issues but could not issue a final determination until such time that an inspection and Certificate of Occupancy had been done.

##### **Staci Cross**

Staci Cross gave a brief update of the City website project to enhance the website with a more user friendly site for the citizens to access and for on-line business.

She gave a brief description of the wireless network project which would connect City Hall, Police, Public Works, Purchasing and Fire Station #1 facilities.

She requested to re-allocate money from the web project to the wireless project.

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

**Chief Radzilowski**

Nothing to report.

**John Cumming**

John Cumming announced that a 16" water main line would have to be shut down and repaired causing road closures in the vicinity of Ballard School.

**Larry Frey**

Nothing to report.

**Bill Lisch**

Nothing to report.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 11:00 p.m.

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