

APPROVED BY  
February 26, 2003  
CITY COUNCIL

**CITY COUNCIL MEETING  
February 12, 2003**

The City of Bradenton City Council met in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on February 12, 2003 at 8:30 a.m.

Present: 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  
Walt Watkins, Deputy Police Chief  
Larry Frey, Planning Services Director  
Staci Nelms, Information Technology Director

Press: Bradenton Herald  
Manatee Herald Tribune

Excused absence Councilman Ward I Gene Gallo.

The meeting was called to order by Mayor Poston.

Prayer was led by Reverend Jim Meena, Chaplin Blake Medical Center.

Flag salute was led by Councilman Smith.

**MINUTES:**

**Minutes for January 8, 2003 and January 22, 2003.**

No discussion followed.

**Motion to approve the minutes of January 8, 2003 and January 22, 2003 was made by Vice Mayor Weaver, seconded by Councilman Smith and carried 4-0 for approval.**

**PRESENTATION:**

**PUBLIC WORKS RECOGNITIONS**

John Ormando recognized the following employees and presented plaques to each for their outstanding work with the Public Works Department:

**Dwayne Blue**– January employee of the month.

**Dave Roberts** – February employee of the month.

**Eddie Bricker**, Superintendent of Parks and **Gerald James** were recognized for their many years of excellent service as they would be retiring this summer.

**DOWNTOWN DEVELOPMENT AUTHORITY**  
**Antique Overlay District**

**Bill Theroux** gave a detailed overview of the revised Antique Overlay District. He stated he had met with various property and business owners who would be affected by this redistricting. He stated that the adjustments were adding the properties fronting 9<sup>th</sup> Street north of Manatee Avenue and removed the Riverside Drive properties. The properties north of the retention pond located on 10<sup>th</sup> Street East were removed. The properties east of 8<sup>th</sup> Street East would remain in the overlay district.

Mr. Theroux stated that he had met with Councilman Gallo who stated he was in favor of the redistricting as presented.

Mr. Theroux requested approval of the proposed Antique Overlay District.

**Motion to approve the request was made by Councilman Smith, seconded by Councilman Golden and carried 4-0 for approval.**

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

**PUBLIC COMMENTS:**

**Henry Raines**, 5211 11<sup>th</sup> Avenue West stated that he represented a large group of citizens who wished to express their opposition for the war brewing in the Middle East. He requested the Council to help communicate their concerns by forwarding citizen's letters, faxes, emails and petitions to our Country leaders in Washington D.C. And to ask our Country leaders to stop this rushed war and that the American people were not behind this dangerous adventure.

Discussion: The City Council represented all the people and that there were citizen's who might be in favor of the decision to go to war.

Further discussion: That it would be inappropriate to forward on City of Bradenton letterhead the letters, faxes, emails and petitions because it would indicate endorsement and support against the war efforts.

**Robert Hill**, 120 30<sup>th</sup> Street stated that it was ok to send the citizens request but that it was inappropriate for the City of Bradenton to use it's letterhead to mail these documents to Washington, D.C.

**Robert Phillip (inaudible), Lorraine Herrera, Wayne Genthner and Joseph Mammina** voiced their opposition for the war with Iraq.

**(Tape 1, Side 2)**

Vice Mayor Weaver stated that clearly the perception had been heard of what the citizen's in the audience had requested but the City of Bradenton could not take a stand for endorsing these requests therefore she could not support the motion to use the City of Bradenton's letterhead to forward such comments.

**Motion to send the letters, petitions and emails to the leaders in Washington, D.C. with the City of Bradenton letterhead was made by Councilman Golden, seconded by Councilwoman Barnebey failed 3-2, Councilman Smith and Vice Mayor Weaver in opposition with Mayor Poston breaking the tie vote.**

**COUNCIL REPORTS:**

**Councilman Gene Gallo, Ward I:**

Excused absence.

**Councilwoman Marianne Barnebey, Ward II:**

Councilwoman Barnebey encouraged everyone to attend one of the last two sessions in the City of Bradenton for the "Imagine Manatee" workshops on Thursday, February 13, 2003.

Councilwoman Barnebey recognized Senator Ed Price in the audience.

Councilwoman Barnebey stated that the Public Mayor Program for Ward 2 would be held on Tuesday, February 18, 2003 at 7 p.m. at the Bradenton Christian School.

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

Nothing to report.

**Councilman Bemis Smith, Ward IV:**

Nothing to report.

**Councilman James Golden, Ward V:**

Councilman Golden thanked everyone for the focus and acknowledgment of February as Black History Month.

Councilman Golden thanked the Kiwanis Club for their support in purchasing playground equipment for the Martin Luther King, Jr. Park.

Councilman Golden stated that he had been working with Department of Development Services with the "Mini Park" concept to find green space throughout the City of Bradenton. He asked other Council members to contact Larry Frey regarding green space in their wards.

**Mayor Poston:**

Mayor Poston stated that a benefit package had been distributed to the Council regarding supplement pay for the families of those employees who were servicing in the military reserves. Mayor Poston stated that the provision stated that the City of Bradenton would supplement the difference in military pay from their regular City pay so the employees would have the same income. Mayor Poston requested approval for the military benefit package.

Discussion: To include health benefits.

**Motion to approve the request for the military benefit package was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval.**

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

Mr. Callahan read the following:

**SECOND READING OF AN ORDINANCE PUBLIC HEARING  
**AN ORDINANCE AMENDING SECTION 6.5 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY ADDING MARTIN LUTHER KING, JR. PARK TO THE LIST OF PARKS IN WHICH THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED; PROVIDING AN EFFECTIVE DATE.****

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.

Mayor Poston closed the public hearing.

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

Mr. Callahan read the following:

**SE-02-24 WARD 5 NEIGHBORHOOD 7.03 PUBLIC HEARING  
**Request of Jacquelyn Kendall of Crab Hut Seafood Inc, property owner, for special exception approval to operate a religious establishment on the property located at 617 10<sup>th</sup> Street East (Zoned C-1).****

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.

Mayor Poston closed the public hearing.

Questions were asked by Councilman Smith regarding concerns for the location of the church and parking issues. Answers were given from **Ruth Seewer**, Development Review Manager.

Discussion: Three hundred foot requirement for serving alcohol beverages near a church.

**Pastor Henry Smalls** stated that he had no problem with allowing alcohol within 300 feet of his church.

Larry Frey stated that the Planning Staff recommended approval of the request with the following stipulations:

1. All Fire Department concerns would be addressed prior to the issuance of the building permit.
2. All Public Works concerns would be addressed prior to the issuance of the building permit.
3. All landscaped areas would be upgraded according to the site plan submitted and provided with an automatic irrigation system.

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

1. The existing dumpster area with the six foot fence would be used for the can pick up.
2. Fire Department concerns would be addressed prior to the issuance of the building permit.
3. Revise the drawings to show removal of the stove.
4. All landscaping would be upgraded according to the site plan and automatic irrigation would be installed.
5. Revise the parking lot to provide Fire Department accessibility and improve the handicap parking spaces.
6. Revised plans would be submitted prior to the City Council meeting.

**Additional stipulation** indicating that the usual standard prohibiting the serving of alcoholic beverages within 300 feet of a church would not be applicable.

**Motion to approve the recommendation made by the Planning Commission and Planning Staff stipulation with the additional stipulation was made by Councilman Golden, seconded by Councilman Smith and carried 4-0 for approval.**

Mr. Callahan read the following:

**SE-A-03-01 WARD 5 NEIGHBORHOOD 7.03 PUBLIC HEARING**  
**Request of J. Thomas O'Brien, for St. Paul Missionary Baptist Church, owner for an amendment to the special exception approval to expand the existing church facility on the property located at 525 9<sup>th</sup> Avenue East (Zoned C-1A).**

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

**Thomas O'Brien**, architect for St. Paul Missionary Baptist Church displayed renderings and gave a brief overview of the expansion of an existing church facility.

**(Tape 2, Side 1)**

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 the Planning Commission and the Planning Staff recommended approval of the request.

**Motion to approve the recommendations made by the Planning Commission and the Planning Staff was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 3-0 for approval.** Councilman Smith was absent from voting.

Mr. Callahan read the following:

**SE-03-02 WARD 2 NEIGHBORHOOD 5.03\5.04 PUBLIC HEARING**  
**Request of Peter T. Van Buskirk, of Kimley Horn as agent for Southtrust Bank, owner for special exception approval for a CVS Pharmacy with drive through on the property located at 3813 Manatee Avenue West (Zoned C-2).**

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

**Peter T. Van Buskirk**, of Kimley Horn displayed renderings and gave a brief overview of the site plan for a CVS Pharmacy. He stated that the owners of CVS Pharmacy had a contract to purchase the Shake Pit property and would maintain a lease with the Shake Pit owners.

Mr. Buskirk requested that the one stipulation regarding the northernmost parking space nearest Manatee Avenue be deleted.

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

**Henry Tredwick**, attorney representing Crow LLC, owners of the Shake Pit voiced his concern regarding negotiations that have not been resolved. He stated that problems existed with dumpster location and the cross access easement.

Discussion: Negotiations between Shake Pit and CVS Pharmacy.

Bill Lisch stated that with the approval of the request it would not affect the lease of private rights for both parties.

Mayor Poston closed the public hearing.

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

1. The northernmost parking space on the west side of the Manatee Avenue entrance would be removed, and replaced with landscaping.
2. The plan submitted was part of this approval, and included reductions as noted in landscape buffer widths and the south setback.
3. The architectural rendering identified as Exhibit H was part of this approval.
4. The wall on the south property line would be concrete block.
5. Wax myrtles 24 inches high would be planted around the dumpster.

Larry Frey stated that the Planning Staff recommended approval of the request with the following **stipulations**:

1. The northernmost parking space on the west side of the Manatee Avenue entrance would be removed, and replaced with landscaping.
2. The plan submitted was part of this approval, and included reductions as noted in landscape buffer widths and the south setback.



**TO THE LEFT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 17 58'53", A CHORD BEARING OF N.76 00'40"E. AND A CHORD DISTANCE OF 23.44 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 23.54 FEET TO THE POINT OF INTERSECTION WITH THE TOP OF EXISTING BANK; THENCE ALONG THE SINUOSITY OF SAID TOP OF BANK IN A SOUTHWESTERLY AND NORTHWESTERLY DIRECTION A DISTANCE OF 235' MORE OR LESS TO THE POINT OF BEGINNING. ALL LYING AND BEING IN SECTION 21, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 0.11 ACRES MORE OR LESS. SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.**

**DESCRIPTION: AREA #3**

**COMMENCE AT THE NORTHEAST CORNER OF LOT 519, RIVERDALE REVISED, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 40 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N.65 45'00"W., ALONG THE NORTH LINE OF SAID LOT 519, A DISTANCE OF 20.00 FEET FOR A POINT OF BEGINNING, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 75.00 FEET, A CENTRAL ANGLE OF 56 48'54", A CHORD BEARING OF S.86 20'33"W. AND A CHORD DISTANCE OF 71.36 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 74.37 FEET TO THE POINT OF INTERSECTION WITH THE TOP OF EXISTING BANK; THENCE ALONG THE SINUOSITY OF SAID TOP OF BANK IN A NORTHEASTERLY DIRECTION A DISTANCE OF 190' MORE OR LESS TO THE INTERSECTION WITH SOUTHWESTERLY LINE OF LOT 572 OF SAID RIVERDALE REVISED SUBDIVISION, SAID POINT ALSO BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 62 59'52", A CHORD BEARING OF S.33 45'04"E. AND A CHORD DISTANCE OF 104.50 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 109.95 FEET; THENCE S.39 11'35"W., A DISTANCE OF 103.26 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN SECTION 21, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 0.25 ACRES MORE OR LESS. SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.**

**Stephen Thompson, agent for Nordic of Florida Development, Inc.** gave a brief history of the canals in and around the Riverdale area. He requested approval of the vacation resolution.

Bill Lisch referred to the analysis done by the Planning Staff and stated that the City did not own the subject land area but had the right-of-way for canal purposes.

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

**Motion to approve the request for vacation with the delivery of a quit claim deed was made by Councilman Smith, seconded by Vice Mayor Weaver and carried 4-0 for approval.**

Mr. Callahan read the following:

**Mark Runnals, President of the Artist Guild of Manatee, is requesting approval for installation of directional signs on public right-of-way in the Village of the Arts.**

**Mark Runnals**, President of the Artist Guild of Manatee requested approval of directional signs at some of the major intersections in the Village of the Arts.

Discussion: The number of signs to be installed. That the Artist Guild would be installing them.

**Motion to approve the request was made by Councilman Golden, seconded by Councilwoman Barnebey and carried 4-0 for approval.**

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

Mr. Callahan read the following:

**NORDIC OF FLORIDA DEVELOPMENT, INC.  
Utility Service Agreement/Reimbursement and Dedication Agreement/Quit Claim Deed**

Bill Lisch referred to the Utility Service Agreement and stated that the County would service the utilities for Nordic but requested Impact Fees as it would be a direct impact to the County. The Reimbursement and Dedication Agreement was between the City of Bradenton, Manatee County and Nordic to make sure that the City would be reimbursed for any funds due to the City. He stated that the Quit Claim Deed was approved with the previous vacation resolution.

**Motion to approve the Utility Service Agreement, Reimbursement and Dedication Agreement with the City of Bradenton, Manatee County and Nordic of Florida Development, Inc. was made by Vice Mayor Weaver, seconded Councilman Golden and carried 4-0 for approval.**

Mr. Callahan read the following:

**A RESOLUTION REAPPOINTING ANDY GREGORY TO THE POLICE PENSION BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.**

No discussion followed.

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

Mr. Callahan read the following:

**A RESOLUTION REAPPOINTING RAYMOND PEREZ TO THE FIRE PENSION BOARD FOR THE CITY OF BRADENTON, FLORIDA AND DEFINING HIS TERM.**

No discussion followed.

**Motion to approve the resolution was made by Vice Mayor Weaver, seconded by Councilwoman Barnebey and carried 4-0 for approval.**

Mr. Callahan read the following:

**2002-2003 BUDGET ADJUSTMENT**

Mr. Callahan requested approval to carry forward the Community Development Block Grant funds accumulated in the previous years' award.

No discussion followed.

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

Mr. Callahan read the following:

**Manatee Service Center Interlocal Agreement**

Mr. Callahan stated that this agreement was requested by Bob Goodman, Employee Health Benefits Manager for Manatee County authorizing the City of Bradenton's participation with Manatee County Health Network program.

No discussion followed.

**Motion to approve the request was made by Councilwoman Barnebey, seconded by Vice Mayor Weaver and carried 4-0 for approval.**

*(Tape 2, Side 2)*

**BUSINESS BY APPOINTMENT:**

**David Windham  
First Baptist Church Parking Lot Swap**

**David Windham**, representing First Baptist Church distributed a site plan of parking lots owned by First Baptist Church and the City of Bradenton. He requested swapping the First Baptist Church parking lot of 26,150 square feet between 3<sup>rd</sup> Avenue West and 4<sup>th</sup> Avenue West next to the Wilcox Law Office, with the City lot of 24,000 square feet on the corner of 4<sup>th</sup> Avenue West and 14<sup>th</sup> Street West.

He requested the vacation of 4<sup>th</sup> Avenue Drive West directly behind the First Baptist Church Sanctuary Building between 14<sup>th</sup> Street West and 13<sup>th</sup> Street West.

He stated that First Baptist Church had also made a parking space swap in agreement with the Harrison Law Office on 12<sup>th</sup> Street West and with the leased spaces owned by the City of Bradenton.

Discussion: City of Bradenton leased parking spaces. Deed was subject to Harrison Law Office in an agreement.

**Floyd Price**, attorney and a member of the First Baptist Church requested only a preliminary approval. He stated that this request would then come back to the church for their approval then back to the Council for a formal contract.

**Motion to direct the City Attorney and the City Clerk to proceed with drafting proper contracts to bring back to Council was made by Councilman Smith, seconded by Councilwoman Barnebey and carried 4-0 for approval.**

Mr. Lisch read the following:

**Road Impact Fees Public Hearing  
Request of the City of Bradenton for approval to initiate road impact fees.**

Bill Lisch stated that the issue on Road Impact Fees had been advertised and requested Mayor Poston open the public hearing and continue this issue to the next meeting.

Discussion: To readvertise this issue at a later date.

Mayor Poston opened the public hearing.

**Motion to continue the Road Impact Fee issue until a date specific to be advertised was made Councilwoman Barnebey, seconded Vice Mayor Weaver and carried 4-0 for approval.**

**DEPARTMENT HEADS:**

**Carl Callahan**

**SURPLUS FUNDS**

Mr. Callahan stated that he had met with Burgess Chambers, Financial Consultant to discuss the City of Bradenton Surplus Fund Investments. He stated that the funds that have been accumulating had to be protected during the current terrorist crisis.

Mr. Callahan recommended approval to change the Performance Measurement Index in the *Investment Policy Statement* from Lehman Aggregate bond index to **Lehman Intermediate Aggregate bond index**. He stated that both Investment Managers, Loomis Sayles and Richmond Capitol have agreed to this conservative change.

No discussion followed.

**Motion to change in the Investment Policy Statement under Section 3, Performance Measurement to read Investment performance shall be measured and compared to the Lehman Intermediate Aggregate bond index was made by Vice Mayor Weaver, seconded by Councilman Golden and carried 4-0 for approval.**

**Mark Souders**

Chief Souders stated that next week the entire Fire Department would be conducting their annual strategic planning sessions. He stated these discussions included input regarding the operations, the budget and to make sure that the department was following their vision and mission statement.

Chief Souders stated that preparations were being made to draft a policy to place the Fire Department and the Police Department on **“proactive status”** whenever the United States changed the color status regarding threats to the Country. He stated when the security color status change then the departments with this proactive status could

respond more readily to a level of response and various levels of security within the City facilities.

Chief Souders stated that he served on the *County Threat Assessment Group* and stated that the small pox vaccination would be taking place for medical personnel which would include law enforcement and field medics.

Chief Souders stated that he would be attending and evaluating a field exercise in Polk County using crop dusting planes as a focus on handling a plan to use for a mass incident.

### **Staci Nelms**

Staci Nelms gave a brief update on the meter reading and cashiering application stating that credit cards could now be accepted. She stated that the Eden project was running smoothly with training and data conversion. She stated that the Eden System would begin soon in the Department of Development Services. She stated that she was still under budget with all the improvements projects.

### **Deputy Chief Walt Watkins**

Deputy Chief Watkins stated that Chief Radzilowski was currently in his second week of "High Liability" training with the Florida Department of Law Enforcement.

### **John Cumming**

Mr. Cumming gave a brief update on the Capetown drainage and 10<sup>th</sup> Avenue drainage project, the 3<sup>rd</sup> Avenue Extension improvements, the Waterfront Park project and the ASR project.

### **Larry Frey**

Mr. Frey stated that a draft was being prepared regarding the School Facilities Interlocal Agreement with plans for adoption this summer. He gave a brief update on the proposed Judicial Center downtown. He stated that Jeff Burton would be responsible for the Comprehensive Planning in Department of Development Services and that he and Jeff would be attending a legislative workshop in Tallahassee to help understand the new state laws.

Councilman Golden asked about the "Imagine Manatee Project" and what the process was to analyze the citizen's vision evaluation.

Discussion: Implementing and assessing the citizen's evaluation.

Mayor Poston stated that he would send a letter to the County Commissioner's Chairperson asking about the process.

### **Bill Lisch**

Mr. Lisch gave a brief overview of problems in Ward 2 resulting from setting off fireworks. He stated that the Florida Statutes were vague but they statutes ruled over the City. He stated that the City of Bradenton could not pass an ordinance prohibiting this issue. He commented that the County could have certain jurisdiction over this issue. He stated that if the Council had no objection he would draft a resolution asking

the County to look into this issue and request the County to forward the resolution to our legislation delegation.  
No one objected.

**ADJOURNMENT**

There being no further business, Mayor Poston adjourned the meeting at 11:30 a.m.

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