

**CITY COUNCIL MEETING
August 27, 2003**

**APPROVED BY
October 8, 2003
CITY COUNCIL**

The City of Bradenton City Council met in special session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on August 27, 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 and Councilman Ward V James T. Golden

City Officials: Wayne Poston, Mayor, 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, Development Services Director and Staci Cross, Information Technology Director

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Mayor Poston.

Ecumenical prayer to be led by Councilman Golden.

Flag salute was led by Vice-Mayor Michele Weaver.

APPROVAL OF MINUTES:

Approval of Minutes for July 9, 2003 and July 23, 2003.

No discussion followed.

MOTION TO APPROVE the July 9, 2003 and July 23, 2003 minutes was made by Vice-Mayor Michele Weaver/Councilman Gene Gallo carried 4-0 for approval. Councilman Bemis Smith abstained from voting as he was absent from the July 9, 2003 minutes.

PRESENTATION:

Representative Bill Galvano

Arrived late in the meeting (see page 4) for presentation.

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

PUBLIC COMMENTS:

Jeanene Martin, 1532 8th Avenue Drive West thanked all of the City Officials for their immediate response for the clean-up on the 9th Street and 15th Street properties owned by Pegasus Properties and for the excellent service from the City of Bradenton.

COUNCIL REPORTS:

Councilman Gene Gallo, Ward I:

Requested permission to speak to Bill Edwards regarding the problems pending on the property on 9th Street and 13th Avenue owned by Mr. Edwards.

No discussion followed.

MOTION TO APPROVE the request made by Councilman James Golden/Vice-Mayor Michele Weaver carried 4-0 for approval. (Councilman Gallo did not vote on his motion.)

Councilwoman Marianne Barnebey, Ward II:

Nothing to report.

Councilwoman and Vice-Mayor Michele Weaver, Ward III

Nothing to report.

Councilman Bemis Smith, Ward IV:

The 2004 Firefighter's calendar were available to purchase with proceeds supporting the Manatee County Emergency Services Memorial at the Rossi water front park and other organizations.

Councilman James Golden, Ward V:

Nothing to report.

Mayor Poston:

Gave a brief update on the Judicial Center and announced that it would be discussed in the Board of Commissioners meeting Wednesday, September 3, 2003 at 9:00 a.m.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS:

A-03-05 WARD 4 NEIGHBORHOOD 20.03 PUBLIC HEARING

SECOND READING OF A 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.

Public hearing was opened. Those in favor. Hearing none.

Those in opposition. Hearing none. Public hearing closed.

MOTION TO APPROVE the ordinance for annexation was made by Councilman Bemis Smith/Vice-Mayor Michele Weaver carried 5-0 for approval.

SF-02-03 WARD 4 NEIGHBORHOOD 20.03

REQUEST OF THOMAS MCCOLLUM, agent for Tom Brown Real Estate Investment, for approval of a final subdivision plat for 64 Center East, a 15 lot commercial subdivision located at 5101 State Road 64 East.

No one came forward for a presentation.

Larry Frey reported that the Department of Development Services Staff recommended approval of the request.

MOTION TO APPROVE the request was made by Councilman Bemis Smith/ Councilwoman Marianne Barnebey carried 5-0 for approval.

DA-03-01 WARD 3 NEIGHBORHOOD 1.01 PUBLIC HEARING

SECOND READING OF PROPOSED ORDINANCE # 2718

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF BRADENTON AND PEGASUS PROPERTY INVESTMENT GROUP LLC TO ALLOW REDEVELOPMENT OF THE PROPERTY LOCATED AT 1720 1ST AVENUE WEST; PROVIDING FOR ALLOWABLE USE; PROVIDING FOR CONCURRENCY APPROVAL, PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN AND LAND USE AND DEVELOPMENT REGULATIONS, PROVIDING FOR STIPULATIONS OF DEVELOPMENT, TERMS AND RESTRICTIONS, AND PROVIDING CRITERIA TO RESCIND THE DEVELOPMENT AGREEMENT.

Public hearing was opened. Those in favor.

Jim Fromfield, representative for Pegasus Property Investment Group LLC requested a continuance to the first October Council meeting for an extension of time due to financial circumstances.

Discussion: To not allow an extension of time, as the applicant had not done what he had said he would do.

Councilman Smith voiced his opposition that the developer should have equal time to speak on his behalf and would not be supporting a motion to deny a continuance.

Councilman Gallo stated that he would be supporting the motion to deny a continuance as the developer nor a representative made a presentation at the last meeting. The developer had promised to contact the neighbors and had not. He stated that he did not like the (45) feet height of the proposed building.

Vice-Mayor Weaver voiced her opposition to allow the Development Agreement to continue, as Pegasus had not done what they said they would do. She had a concern for the height of the building and that one paragraph for a narrative in the agreement was not sufficient for this development.

MOTION TO DENY the request for continuance was made by Vice-Mayor Weaver/Councilman Gallo carried 4-1 to deny with Councilman Smith in opposition.

Mayor Poston stated that the comments from the neighbors at the August 13, 2003 meeting of those persons who spoke in opposition for the request would be accepted. Public hearing closed.

Councilman Smith stated that he would support the motion to deny the Development Agreement as he did not believe that this agreement was a good agreement.

MOTION TO DENY the Development Agreement was made by Vice-Mayor Weaver/Councilman Gallo carried 5-0 for approval.

A-03-06 WARD 4 NEIGHBORHOOD 20.03

FIRST READING OF PROPOSED ORDINANCE # 2717

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 4465 STATE ROAD 64 EAST AND LEGALLY DESCRIBED.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing to September 24, 2003 was made by Vice-Mayor Weaver/Councilman Gallo carried 5-0 for approval.

A-03-07 WARD 2 NEIGHBORHOOD 12.02

FIRST READING OF PROPOSED ORDINANCE # 2719

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 5016 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing to September 24, 2003 was made by Councilwoman Barnebey/Vice-Mayor Weaver carried 5-0 for approval.

FIRST READING OF PROPOSED ORDINANCE # 2720

AN ORDINANCE OF THE CITY OF BRADENTON, MANATEE COUNTY, FLORIDA, PROHIBITING THE MOORING OR ANCHORING OF WATER VESSELS WITHIN THE PUBLIC WATERWAYS OF THE CITY OF BRADENTON IN EXCESS OF SEVENTY-TWO (72) HOURS; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR EMERGENCY SITUATION; PROVIDING FOR PENALITES; PROVIDING AN EFFECTIVE DATE.

No discussion followed.

MOTION TO APPROVE the first reading and set the second reading and public hearing to September 10, 2003 was made by Councilwoman Barnebey/Councilman Gallo carried 5-0 for approval.

Representative Galvano entered the Chambers and gave a brief synopsis of the 2003 Florida Legislative session. He voiced his appreciation for the open communication with local government and stated that local government DID have a voice from the Florida Legislation with their local committed delegation.

(Tape 1, side 2)

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)

Public hearing was continued. Those in favor.

Patricia Petruff gave a brief description of the existing inside operation of the Fumble Inn and requested an upgrade of an existing alcoholic beverage license.

Discussion: That a special exception to allow outside seating arrangement for smokers would be forth coming to Council.

Larry Frey reported that the Planning Commission recommended approval with the Planning Staff recommendation to approve with **one stipulation:**

1. That the license approval be in conjunction with the Special Exception approval for a lounge (**added to the stipulation**) would require that the applicant come back for Council approval of any changes to the property.

Those in opposition. Hearing none. Public hearing closed.

MOTION TO APPROVE the request with one stipulation was made by Councilman Smith/Councilwoman Barnebey carried 4-1 for approval with Councilman Golden in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Keep Manatee Beautiful is requesting:

A RESOLUTION BY THE CITY OF BRADENTON, FLORIDA TO ENTER INTO AN URBAN AND COMMUNITY FORESTRY GRANT MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY.

No discussion followed.

MOTION TO APPROVE the resolution was by made by Councilman Golden/Vice-Mayor Weaver carried 4-0 for approval. Councilwoman Barnebey was absent from voting.

Manatee County Fire Chiefs' Association and the Downtown Development Authority is requesting to hold a "Tribute to Heroes' Day" on Thursday, September 11th with the dedication of the Emergency Services Memorial at Rossi Park, a parade and Old Main Street Tribute Celebration.

No discussion followed.

MOTION TO APPROVE the public event request was made by Councilman Gallo,/Vice-Mayor Weaver carried 3-0 for approval. Councilwoman Barnebey and Councilman Golden was absent from voting.

Chief Radzilowski

FORFEITURE FUNDS

Requested expenditure items at a cost of \$1,588.00 to maintain and enhance the training of "Officer Echo" the new K9 to be paid from the forfeiture funds.

No discussion followed.

MOTION TO APPROVE the request to spend forfeiture funds was made by Councilman Gallo/Vice-Mayor Weaver carried 4-0 for approval. (Councilman Golden was absent from voting.)

John Cumming

STORM DRAIN REPAIRS – 54TH STREET WEST

Requested a permanent repair on a 48” storm drain at an estimated cost of \$55,272 and to engage Uretex ICR, LLC of Longwood, Florida as the sole source quote for the repairs. He stated funds for the repairs are included in the proposed FY 2004 budget.

No discussion followed.

MOTION TO APPROVE the request was made by Vice-Mayor Weaver,/Councilman Golden carried 5-0 for approval.

AGREEMENT FOR REIMBURSEMENT – NORDIC HOMES

Requested to enter into an agreement with Nordic Homes to provide increased force main size and water main size to serve the new development located at 48th Street Court East. He stated the funds were budgeted for the proposed FY 2004 budget.

No discussion followed.

MOTION TO APPROVE the agreement request was made by Vice-Mayor Weaver/Councilwoman Barnebey carried 5-0 for approval.

Manatee Glens is requesting their Suicide Awareness & Prevention 5K run on September 20, 2003 from 7:00 a.m. to 1:00 p.m. From Sutton Park in Palmetto over the Green Bridge down 10th Street to Barcarrota up Old Main to 3rd Avenue and back over the Green Bridge to Sutton Park.

No discussion followed.

MOTION TO APPROVE the public event request was made by Councilman Golden/Vice-Mayor Weaver carried 5-0 for approval.

DEPARTMENT HEADS:

Carl Callahan

Nothing to report.

Mark Souders

Invited everyone to attend the “Tribute to Heroes” ceremony at the new Firefighters Memorial at Rossi Park event at 9:00 a.m on September 11th. He stated that other events to take place after the ceremony would be a fly over, a noon luncheon in the Bradenton Auditorium, a parade starting at 7:00 p.m. and finishing off with a celebration of freedom beginning at 8:00 p.m. on Old Main Street.

Staci Cross

Nothing to report.

Mike Radzilowski

Nothing to report.

John Cumming

Announced that 3rd Avenue was nearing completion between Highway 41 and 9th Street with the dedication set for September 9th at 8:30 a.m.

Larry Frey

Encouraged Mayor Poston and Council members to attend a free Florida Redevelopment Association Conference offered by the Florida League of Cities. He stated this conference was in October in Tampa, Florida and would be very informative.

Gave a brief time line of the Monk Building and stated there was not much he could do to encourage the developer, Mr. Tibbett to move along with the project as he was meeting all requirements at this time.

Bill Lisch

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 tape recording of the meeting is available upon request.