

**CITY COUNCIL MEETING  
September 24, 2003**

**APPROVED BY**  
**November 19, 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 September 24, 2003 at 5:01 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, Matt Keller, Assistant Fire Chief, Michael Radzilowski, Police Chief, Larry Frey, Planning Services Director and Staci Cross, Information Technology Director.

**Press:** Bradenton Herald, Manatee Herald Tribune and Channel 40.

The meeting was called to order by Mayor Poston.

**Second Reading of an Ordinance Public Hearing at 5:01 p.m.**  
**An ordinance Levying Taxes for the fiscal year beginning October 1, 2003, and ending September 30, 2004, and providing for the disbursement of funds arising from said Levy; also the Disbursement of certain other funds.**

Mr. Callahan read the ordinance, which indicated that the millage rate would be 4.45, which represented a 12.47% over the roll back rate.

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

Those in opposition. Hearing none. Public hearing closed.

Mayor Poston stated that after the Council's previous comments and concerns from the first reading of the ordinance he had asked that each of the Department Heads revisit the budget and to revise expenses in order to keep the millage rate at 4.30.

Mr. Callahan distributed a "2003-2004 Budget Revisions" list and gave a brief overview on *Revenue Increases* and *Revenue and Expense Reductions* listed. He stated that the items that had been deleted were very much needed this year and would have to be addressed at some time in the near future.

Mr. Callahan stated that the three new police officers and one forensic technician position had been kept in the budget.

Mr. Callahan read the revised ordinance that represented a millage rate of 4.30, which represented a roll back rate by 8.67%.

**Second Reading of a Revised Ordinance Public Hearing at 5:01 p.m.**  
**An ordinance Levying taxes for the fiscal year beginning October 1, 2003, and ending September 30, 2004, and providing for the disbursement of funds arising from said Levy; also the disbursements of certain other funds.**

No discussion followed.

**MOTION TO APPROVE the revised ordinance to keep the millage rate at 4.30 was made by Councilman Golden/Councilwoman Barnebey carried 5-0 for approval.**

**Second Reading of an Ordinance** **Public Hearing at 5:01 p.m.**  
**An ordinance adopting the Budget and Setting Revenues and making appropriations for the City of Bradenton, Florida, for fiscal year 2003-2004, providing an effective date.**

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

Those in opposition. Hearing none. Public hearing closed.

Councilman Gallo voiced his concern that a “boomerang effect” would occur referring to the additional staff needed in the Police Department, which would again impact the budget next year.

Councilman Gallo asked that every department head take every precaution to keep their department costs down when reevaluating next year’s budget.

Mr. Callahan stated in keeping with the TRIM compliance with the advertisement the 4.45 rate was a 4.49% increase in operating expenditure. With the revised rate it was not significant but was consistent with the advertisement.

**MOTION TO APPROVE the 2003-2004 Budget ordinance was made by Councilman Golden/Vice-Mayor Weaver carried 5-0 for approval.**

**RECESSED** the meeting to 5:30 p.m.

The City of Bradenton City Council reconvened in regular session in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida on September 24, 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, Matt Keller, Assistant Fire Chief, Michael Radzilowski, Police Chief, Larry Frey, Planning Services Director and Staci Cross, Information Technology Director.

**Press:** Bradenton Herald, Manatee Herald Tribune.

The meeting was called to order by Mayor Poston.  
Ecumenical prayer was led by Reverend Mario Cimbaro, Christian Missionary Alliance.  
Flag salute was led by Vice-Mayor Weaver.

**(Tape1, side 2)**

**PROCLAMATION:**

**OKTOBERFEST 2003**

Councilwoman Barnebey read the proclamation proclaiming September 26-28, 2003 as The Great Outdoors Conservancy “Oktoberfest 2003” in Bradenton, Florida.

Manatee County Commissioner Ron Getman with Frank Brunner spoke on behalf of "Crime Stoppers" and stated that the Bradenton Auditorium had been rented for a special "Halloween Safe Kids Night" October 31<sup>st</sup> beginning at 5:30 p.m.

**Commissioner Getman requested special permission to use the parking lot south of the Bradenton Auditorium porte-cochere to hold an overflow of various activities for children.**

Discussion: Closing off the area in front of the south auditorium porte-cochere and the immediate parking isle in front. **Stipulation** to extend the Insurance coverage for the outside activities.

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

**PRESENTATION:**

**JONES-EDMUNDS & ASSOCIATES AND SWAN-MOODY STREET IMPROVEMENTS**

**Suzette Lorenz**, Jones, Edmunds & Associates and John Moody, Swan Moody and Associates presented three separate roadway projects:

1. The Manatee Avenue West Urban Corridor Improvements from 1<sup>st</sup> Street West to 15<sup>th</sup> Street West.
2. The 9<sup>th</sup> Avenue Improvements from 9<sup>th</sup> Street West to 9<sup>th</sup> Street East.
3. The 13<sup>th</sup> Avenue Improvements from 9<sup>th</sup> Street West to 9<sup>th</sup> Street East.

She displayed numerous renderings and gave informative descriptions depicting the roadways, sidewalks, medians, curbs, pavers and landscapes improvement for the three projects.

**(Tape 2, side 1)**

Mr. Callahan stated that most of the monies to fund these projects would come from the Central Community Redevelopment Agency and the City of Bradenton infrastructure dollars, grants and other alternative sources.

Discussion: The large Florida Power & Light utility poles in the 9<sup>th</sup> Avenue and 13<sup>th</sup> Avenue project.

**MOTION TO APPROVE the three roadway projects as conceptual design projects with the additional consideration to include Florida Power & Light as a partner in the 9<sup>th</sup> Avenue and 13<sup>th</sup> Avenue process was made by Councilman Golden/Vice-Mayor Weaver carried 5-0 for approval.**

**CODE ENFORCEMENT SERVICE AWARD**

**John Ormando**, Chairman for Keep America Beautiful and **Ingrid McClellan**, Keep America Beautiful Executive Director presented awards and certificates to Councilman Golden, Larry Frey, Jeff Burton and to everyone in the Code Enforcement Department for their outstanding diligent work to clean up and eliminate some of the many code violations in the City.

Ingrid McClellan recognized the City of Bradenton with an award for their outstanding achievement in landscaping two open spaces:

1. The four street medians from 75<sup>th</sup> Street West to Palma Sola Bay Causeway.
2. The creation of a new park at Martin Luther King, Jr. Park.

#### **GRANTS & ASSISTANT AWARD**

Jeana Winterbottom presented a Certificate of Service award to **Susie Copeland** for her twenty-seven years of outstanding service to the City of Bradenton.

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

<b>PUBLIC COMMENTS:</b>
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**Helen Mitchell**, 3950 Ironwood Circle thanked the City for lowering the speed limit on 51<sup>st</sup> Street West and for the promise of a traffic signal.

**Robert Tinsley**, Twin Dolphin Marina resident voiced his complaint regarding a situation in doubling the electricity bill to the boat residents who live at the marina.

**Umar Dawud Muammar requested** the Council to consider waiving a lien in the amount of \$3,098.00 on his property located at 1201 3<sup>rd</sup> Street West.

Larry Frey stated that the standard procedure when a house was found in sub-standard condition the owner was asked to repair the house. If the owner then chooses not to repair the house an order to demolish with a lien would be done.

**MOTION TO TABLE the request was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 to table.**

**Dale Schmitt**, Palma Sola Causeway Alliance voiced his opposition for the alcohol ban at Palma Sola Causeway.

<b>COUNCIL REPORTS:</b>
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**Councilman Gene Gallo, Ward I:**

Nothing to report.

**Councilwoman Marianne Barnebey, Ward II:**

Announced that a new sign was installed at Lewis Park.

Invited everyone to attend the Great Outdoor Conservancy "Octoberfest" to take place at the Manatee County Fair grounds this weekend.

Get Well Wishes to Deputy Chief Watkins.

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

Received a phone call from a citizen with concerns regarding a tree service not completing a job. She asked what the City’s procedure was regarding requirements for this type of service.

Ruth Seewer, Development Review Manager stated that there were no provisions with tree removal companies.

Larry Frey stated he was currently in the process to revise the tree ordinance and would investigate this situation.

**Councilman Bemis Smith, Ward IV:**

Commented on a letter he received from Lee Hollins, commending Councilman Gallo for his leadership and direction in building the Emergency Services Memorial at Rossi Waterfront Park and to Mayor Poston for the dedication of the memorial.

*(Tape 2, side 2)*

**Councilman James Golden, Ward V:**

Thanked Chief Radzilowski for the prompt apprehension of a murder suspect and for the voice of the residents in that community who were active and informative with helping the Bradenton Police Department in apprehending the murder suspect.

Thanked John Cumming for the beginning process and plans to eliminate some of the flooding on 15<sup>th</sup> Street and 26<sup>th</sup> Avenue.

**Mayor Poston:**

Nothing to report.

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

**Second Reading of Proposed Ordinance 2717 Public Hearing  
An Ordinance Annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at approximately 4465 State Road 64 East and legally described.**

Public hearing was opened. Those in favor.

**Steven Thompson**, representing the applicant, Nordic Development gave a brief overview of the parcel and requested approval of the annexation.

Those in opposition.

**Bennie Bagi**, a resident next to the subject parcel asked what was being built on the property.

Discussion: This request was for annexation only with no plans at this time for development. That the residents would be noticed of any future development.

Public hearing closed.

Larry Frey stated that the Department of Development Services staff recommended approval to annex the property.

**MOTION TO APPROVE the ordinance to annex was made by Councilman Smith/Councilman Gallo carried 5-0 for approval.**

**Second Reading of Proposed Ordinance 2719 Public Hearing  
An Ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 5-16 Manatee Avenue West and legally described.**

Public hearing was opened. Those in favor.

**Steve Kirk**, Design Team West agent for the applicant requested approval of the annexation.

Those in opposition. Hearing none. Public hearing closed.

Larry Frey stated that the Department of Development Services Staff recommended approval of the property to be annexed.

**MOTION TO APPROVE the ordinance to annex was made by Councilwoman Barnebey/Vice-Mayor Weaver carried 4-0 for approval. Councilman Smith was absent from voting.**

**LUR-T-03-02 LF Proposed First Reading of Ordinance 2721  
Request of the City of Bradenton for an amendment to the Land Use and Development Regulations to address errata.**

**An Ordinance of the City of Bradenton, Florida, providing for findings of fact; providing for amendments to the City of Bradenton Land Use and Development Regulations pertaining to errata; providing for repeal of provisions of ordinances in conflict; providing for severability; and providing for an effective date.**

No discussion followed.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for October 8, 2003 was made by Vice-Mayor Weaver/Councilman Golden carried 5-0 for approval.**

**LUR-T-03-03 LF Proposed First Reading of an Ordinance 2722  
Request of the City of Bradenton for an amendment to the Land Use and Development Regulations to include major and minor amendments.**

**An ordinance of the City of Bradenton, Florida, providing for findings of fact; providing for amendments to the City of Bradenton Land Use and Development Regulations pertaining to minor text amendments; providing for repeal of provisions of ordinances in conflict; providing for severability; and providing for an effective date.**

No discussion followed.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for October 8, 2003 was made by Councilwoman Barnebey/Vice-Mayor Weaver carried 5-0 for approval.**

**First Reading of Proposed Ordinance # 2725**

**An ordinance of the City of Bradenton, Florida, pertaining to property located at 3807 75<sup>th</sup> Street West, making certain findings of fact; providing for amendment to the City of Bradenton Comprehensive Plan Future Land use element/future Land Use Map (Large Scale Development Activity Amendment CPA-M-03-03) changing the future land use designation from County residential 9 and residential 16 to residential 10 and residential 15; providing for applicability; providing for severability; and providing for an effective date.**

No discussion followed.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for October 8, 2003 was made by Councilman Gallo/Vice-Mayor Weaver carried 5-0 for approval.**

**First Reading of proposed Ordinance #2726**

**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 Manatee County PDR (Planned Development Residential) to City PDP (Planned Development Project) for the property located at 3807 75<sup>th</sup> Street West and legally described.**

No discussion followed.

**MOTION TO APPROVE the first reading and set the second reading and public hearing for October 8, 2003 was made by Councilman Gallo/Councilman Smith carried 4-0 for approval. Vice-Mayor Weaver was absent from voting.**

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

**Pine Lakes Social Club is requesting to hold a Neighborhood Block Party with a road closure on 24<sup>th</sup> Avenue West on Saturday, September 27, 2003 from 4:00 p.m. to 7:00 p.m.**

No discussion followed.

**MOTION TO APPROVE the request was made by Councilwoman Barnebey/Councilman Gallo carried 5-0 for approval.**

**City of Bradenton is requesting to celebrate the City's 100<sup>th</sup> Birthday on Saturday, October 18, 2003 on Barcarrota Boulevard from 10:00 a.m. to 3:00 p.m.**

No discussion followed.

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

**The Arts Council of Manatee County is requesting to hold "The Arts Celebrate Bradenton's Centennial" on Saturday, October 25, 2003 from 10:00 a.m. to 4:00 p.m. on Barcarrota Boulevard.**

No discussion followed.

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

**A Resolution of the City Council of the City of Bradenton, Florida authorizing the Central Community Redevelopment Agency to issue its Promissory Note, Series 2003, in the principal amount of \$360,000; and providing an effective date.**

Mr. Callahan stated this resolution would allow the Central Community Redevelopment Agency to repay its advance the City of Bradenton made to purchase the land for the library. He stated as previously agreed there would be no interest charged on the advance.

Mayor Poston requested anyone to speak on this issue to please come forward. No one came forward.

**MOTION TO APPROVE the resolution was made by Councilman Smith/Councilman Gallo carried 5-0 for approval.**

**Larry Frey**

**ENTERPRISE ZONE BOARD**

Due to not having a quorum the Department of Development Services decided to lower the number of Enterprise Zone members from eleven to nine.

**Request to remove** Lena Gainer from the Enterprise Zone Board as she was unable to be reached.

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

**INTERLOCAL AGREEMENT FOR SCHOOL FACILITIES**

**Larry Frey recommended** approval of the most recent revised Interlocal Agreement for School Facilities. He stated that the Council adopted the original version June 2003.

No discussion followed.

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

**A Resolution appointing Jeff D. Ragan to the Enterprise Zone Board for the City of Bradenton, Florida and defining his term.**

No discussion followed.

**MOTION TO APPROVE the resolution was made by Councilwoman Barnebey/Councilman Gallo carried 5-0 for approval.**

**REDUCTION OF DEMOLITION LIEN – 1201 3<sup>RD</sup> STREET WEST**

**MOTION TO UNTABLE the request previously made in the meeting was made by Councilman Golden/Councilman Gallo carried 5-0 to untable.**

**Umar Dawud Muammar requested** a reduction or elimination of a demolition lien in the amount of \$3,098.00 on his property located at 1201 3<sup>rd</sup> Street West.

Discussion: The value of the property with no other liens or encumbrances on the property.

**MOTION TO DENY the request was made by Councilman Golden/Councilman Gallo carried 5-0 to deny.**

*(Tape 3, side 2)*

**Chief Radzilowski**

**LOCAL LAW ENFORCEMENT BLOCK GRANT**

**PUBLIC HEARING**

NOTICE IS HEREBY GIVEN: Please take notice on September 24, 2003 at 6:00 p.m. at Bradenton City Council Chambers pursuant to the special conditions of the Local Law Enforcement Block Grant there shall be held a public hearing on a proposed use of the payment under the Local Law Enforcement Block Grant. All interested persons may submit written and or oral view to the City of Bradenton about the entire budget in relations to the grant to the entire budget. Information about the grant and its proposed uses are available at the Bradenton Police Department located 100 10<sup>th</sup> Street West, Bradenton, Florida. Dated the 11<sup>th</sup> of September 2003.

Public hearing was opened.

Jeana Winterbottom gave a brief overview of the grant process and expenditures associated with the grant. She **recommended approval** for the expenditures.

Anyone wishing to speak on this issue to please come forward. Hearing none. Public hearing closed.

**MOTION TO APPROVE the Local Law Enforcement Block Grant expenditures as recommended was made by Vice-Mayor Weaver/Councilman Golden carried 5-0 for approval.**

**FORFEITURE FUNDS**

**Chief Radzilowski requested an expenditure** of \$2,100 for a new Gateway Computer to be used in the Safe Streets Unit.

No discussion followed.

**MOTION TO APPROVE the expenditure request was made by Councilman Golden/Councilman Gallo carried 5-0 for approval.**

**BUSINESS BY APPOINTMENT:**

**Ballard Park Neighborhood Association – Street name change**

**Josie Cirranello**, 1728 8<sup>th</sup> Avenue Drive West and a member of the Ballard Park Neighborhood Association **requested approval** to change the street name of the 8<sup>th</sup> Avenue Drive West to *Ballard Park Drive*. She submitted a petition with thirty signatures and four verbal in favor of the street name change. Three residents could not be reached and two were not in favor stating that it was too much work for the post office and to send in a change of address.

**Larry Frey recommended approval** of the request to honor the improvements made in the Ballard Park area.

Bill Lisch read a draft of the following resolution:

**A Resolution of the City Council of the City of Bradenton, Florida changing the name of that street known as 8<sup>th</sup> Avenue Drive West, to *Ballard Park Drive*, providing an effective date.**

Assistant Chief Matt Keller stated that it was easier for the Fire Department to find name streets and was in favor of the name change.

**MOTION TO APPROVE the resolution as requested and recommended was made by Vice-Mayor Weaver/Councilman Gallo carried 5-0 for approval.**

**DEPARTMENT HEADS:**

**Carl Callahan**

Thanked Sheila Lindergren and Dave Beauchamp for their hard work and efforts to make the budget process go smoother this year.

**Requested approval** for payment with adjustments of funds on the S.R. 64 East Gateway Landscaping Project in the amount of \$93,990.61 to be paid out of the Tree Fund.

No discussion followed.

**MOTION TO APPROVE the request for any adjustment to disburse funds was made by Councilman Gallo/Vice-Mayor Weaver carried 5-0 for approval.**

**Request approval** for payment to fund additional police pension contributions in the amount of \$273,740. Mr. Callahan stated that there were no additional contributions, needed for the fire pension.

Discussion: Negative effects of market value with increased cost to the pension plans.

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

Mr. Callahan stated that negotiations for the police and fire departments had progressed well and that the negotiations were now at a point for discussion with the Council.

Bill Lisch stated that there were strict compliance's with the Florida statutes and that he would discuss this issue with Mr. Callahan.

**Matt Keller**

Nothing to report.

**Staci Cross**

Reported that the Eden System would go live in the Code Enforcement Department this Monday, September 29, 2003. She stated the goal for the permitting process was the end of October 2003.

**Chief Radzilowski**

Nothing to report.

**John Cumming**

Nothing to report.

**Larry Frey**

Thanked the Council, the Department of Development Services Staff among many others City Hall staff for all their help in making his first year as Department of Development Services Director a good year.

**Bill Lisch**

Referred to a memorandum dated September 18, 2003 to Mayor Poston and the City Council regarding a revised contract attached with the Central Community Redevelopment Agency (CCRA) and Kimley-Horn for continuing professional services. He stated that there were minor changes requested by the Public Work Department on the original contract and that there was a time restraint regarding the CCRA meeting schedule.

**He requested Council to veto the original contract approval with the approval of the revised contract and should the CCRA adopt this revised contract the Council would waive any future right to veto the revised contract.**

**Steven Thompson**, CCRA Chairman had no objections with the request.

**MOTION TO APPROVE the request was made by Councilman Smith/Councilman Golden carried 5-0 for approval.**

<b>ADJOURNMENT:</b>
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There being no further business, Mayor Poston adjourned the meeting at 9:00 p.m.

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