

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**January 13, 2016**  
**8:30 A.M.**  
**MINUTES**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on Wednesday, January 13, 2016.

**Present:** Mayor Wayne Poston; Ward I Councilman Gene Gallo, Vice Mayor/Councilman Ward II Gene Brown; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith; and Councilman Ward V Harold Byrd, Jr.

**City Officials:** Carl Callahan, City Administrator; Michael Radzilowski, Police Chief; Claude Tankersley, Public Works & Utilities Director; Chuck Edwards, Fire Chief; Tim Polk, Department of Planning & Community Development Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by Rev. Adam Zele, First United Methodist Church.  
*(The City does not endorse the religious beliefs of any speaker.)*

The meeting was called to order by Mayor Poston.

The Pledge of Allegiance was led by Mayor Poston.

**MOTION TO ELECT COUNCILMAN GENE GALLO AS VICE MAYOR FOR 2016 was made by Councilman Smith, seconded by current Vice Mayor Brown, and approved 5:0.**

**PROCLAMATIONS:**

- **Slavery & Human Trafficking Awareness Month – January, 2016**  
The proclamation was accepted by **Kimberly Kutch, Florida Dept. of Children & Families**, who distributed packets of information to Mayor, Council, and the Department Heads.
- **Earned Income Tax Credit Awareness Day – January 29, 2016**  
The proclamation was accepted by **Tim Dutton, Executive Director, & Roger Caron, VITA Program Manager, Suncoast Community Capital.**
- **Florida Arbor Day – January 15, 2016**  
The proclamation was accepted by **Ingrid McClellan, Executive Director, Keep Manatee Beautiful.**

**PRESENTATIONS:** **Tim Polk, Planning and Community Development Director**, was presented with a proclamation and plaque, along with much appreciation, as retires at month's end after ten years of service to the City and community.

*Carl Callahan administered the oath to anyone wishing to speak on any non-agenda items or during the public hearings.*

**CITIZEN COMMENTS:**

**Manatee County Commissioner John Chappie** expressed his admiration for the excellent job that Tim Polk had done to improve the quality of life in Bradenton and Manatee County.

**CONSENT AGENDA:**

- A. Resolution 16-01: Adjusting mileage reimbursement rate to equal that of IRS
- B. Resolution 16-02: CDBG substantial amendment
- C. Resolution 16-03: Reflections of Manatee settlement
- D. Execution of Permanent Utilities Easement Agreement and Temporary Construction Easement Agreement with Manatee County
- E. Sovereignty Submerged Land Easement Renewal
- F. Ratification of agreement between City and firefighters union

**MOTION TO APPROVE Consent Agenda items A-F was made by Vice Mayor Gallo, seconded by Councilman Brown, and approved 5:0.**

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

### **SU.15.4237 WARD 3 NEIGHBORHOOD 6.03**

Request by ZNS Engineering agent, for Swift Kiwan LLC, for a Special Use approval to allow the existing 7,900-square-foot building to be used for religious assembly on the property located at 2102 14th Street West (zoned T4-O).

The Public Hearing was opened. Those in favor were asked to come forward.

**Rachel Layton, 201 5<sup>th</sup> Ave. Dr. E., ZNS Engineering**, showed a PowerPoint presentation of the proposed Special Use application. She stated that Tim Polk and the Planning Department staff had worked diligently to fill in areas of Form-Based Code that had not directly addressed this type of Special Use. Utilizing the ITE (Institute of Transportation Engineers) calculations, which took into consideration the seating capacity and square footage of the building, the need for 52 parking spaces had been determined. Plans to use areas of Bradenton Tropical Palms for overflow parking via a cross-easement parking agreement were included in the parking count. Ms. Layton respectfully requested approval.

Mayor Poston requested an expanded definition of “religious assembly.” Ms. Layton explained that there were several church tenants who were interested in leasing the building, but until they knew the City would approve a Special Use, none of them wished to sign a lease at this time. She believed they were non-denominational groups, only one of which would sign a lease. She quoted an excerpt of the cross-easement agreement which had been entered into in 1997 between the Kiwanis and Bradenton Tropical Palms. Mayor Poston expressed his concern about the parking situation and access of traffic onto 14<sup>th</sup> Street West. Ms. Layton stated that Staff stipulations had included that, at maximum capacity, a police officer would be required to enable ingress and egress.

Vice Mayor Gallo inquired about the close proximity to establishments which sold alcohol to determine if that would be a conflict.

Attorney Lisch stated that it was a one-way ordinance which allowed a religious establishment to locate next to a bar but did not permit a bar to locate next to a religious establishment. Councilman Smith asked if a future change in ownership of an area establishment could become a conflict regarding alcohol, as in an example of a restaurant. Attorney Lisch stated that the law said it had to be 300’ from the main entrance of the church to the main entrance of the establishment offering alcohol and, due to the locations of the present establishments, should not be a problem in this case.

Councilman Roff asked if Bradenton Tropical Palms had been contacted regarding the parking arrangement. Ms. Layton stated they had not been contacted. Mr. Roff expressed concern about the numerous changes in board members over the last 19 years since inception of the agreement who may not be knowledgeable about the agreement. Mr. Lisch agreed they should be contacted.

Those in opposition were asked to come forward. None came forward. The Public Hearing was closed.

Tim Polk gave the Staff & Planning Commission recommendations for approval with 5 stipulations:

#### **Staff Recommendation:**

#### **APPROVAL of SU.15.4237 Swift Kiwan Religious Assembly with the following stipulation(s):**

1. As stated in the applicant’s Findings of Fact and proposed tenant lease, that the use of the premises is limited to Religious Assembly and related uses, and not to be used to feed, clothe, shelter or otherwise assist homeless people, or permit them to assemble, or in any way congregate on the premises.
2. Prior to the use of the structure provide adequate assurance for the operation of an Agreement for Shared Parking pursuant to §4.10.5, or Off-Site Parking pursuant to §4.10.4, or Valet Parking pursuant §4.10.3 of the Form Based Code.
3. Provide for police traffic direction at assemblage times as directed by the Bradenton

Police Department.

4. Perform the following needed property maintenance items prior to use of the structure:

Replace the concrete apron on the one-way exit to 21st Avenue West and the cracked sidewalk approach to the three (3) parking spaces on 21st Avenue West;  
Straighten the “Do Not Enter” sign;  
Replace all dead shrubs; and  
Remove the “volunteer” Sabal Palms in the perimeter landscape strip.

5. Replace/alter the pole sign to be a pylon sign that conforms to the Form Based Code upon permitting of a sign for the new tenant.

**PLANNING COMMISSION RECOMMENDATION:**

**TABLED on November 12, 2015, to work further with staff on parking requirements.**

**APPROVAL on December 9, 2015, of SU.15.4237 Swift Kiwan Religious Assembly with the following stipulation(s):**

1. As stated in the applicant’s Findings of Fact and proposed tenant lease, that the use of the premises is limited to Religious Assembly and related uses, and not to be used to feed, clothe, shelter or otherwise assist homeless people, or permit them to assemble, or in any way congregate on the premises.

2. Prior to the use of the structure provide adequate assurance for the operation of an Agreement for Shared Parking pursuant to §4.10.5, or Off-Site Parking pursuant to §4.10.4, or Valet Parking pursuant §4.10.3 of the Form Based Code.

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Remove the “volunteer” Sabal Palms in the perimeter landscape strip.

5. Replace/alter the pole sign to be a pylon sign that conforms to the Form Based Code upon permitting of a sign for the new tenant.

**MOTION TO APPROVE SU.15.4237 WARD 3 NEIGHBORHOOD 6.03 with stipulations for the purpose of further discussion was made by Councilman Roff and seconded by Councilman Harold Byrd.**

Discussion: City’s vision for rejuvenation of the 14<sup>th</sup> Street corridor and whether this request would fit; concern about homeless outreach and question of sufficiency of stipulations to prevent complications; laws against discrimination against religious groups with no specific tenant named; insufficient parking; inadequate knowledge of potential use of property, and Council’s option to limit or eliminate special use requests. Clarification by City Attorney Lisch that overly intensive use of a property by a religious organization could be rejected.

**Following further discussion, Councilman Roff requested to withdraw his motion for approval, but it died for lack of a second.**

Councilman Byrd stated that he felt the stipulations set in place would be sufficient to ensure regulation. A question arose about how long the special use would be in place if the facility was not in use. Christopher Gratz, Zoning Manager, stated the term was one year. Councilman Smith said he felt uncomfortable that this use was so vague and non-specific. Councilman Roff stated he was inclined to vote against the request for three reasons: (1.) There was no specific religious organization requesting the special exception (2.) There were potential parking issues (3.) Council would like to understand specific parking needs required by a particular applicant

Mayor Poston called for a vote.

**PREVIOUSLY STATED MOTION TO APPROVE SU.15.4237 WITH STIPULATIONS failed 2:3 with Councilman Brown and Councilman Byrd in favor and Vice Mayor Gallo, Councilman Roff, and Councilman Smith in opposition for the reasons expressed by Councilman Roff.**

**ORDINANCE 2973                      FIRST READING**

AX.15.3628 Ward 4, Neighborhood 20.12: Request by Allison-Gause, Inc., agent, for Saul Lapidus, owner, to annex 9.4 acres located at 1016 64<sup>th</sup> Street Court East in to the municipal boundaries.

**MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2973 AND SET THE SECOND READING AND PUBLIC HEARING FOR JANUARY 27, 2016 was made by Vice Mayor Gallo, seconded by Councilman Brown, and approved 5-0.**

**ORDINANCE 2972                      SECOND READING AND PUBLIC HEARING**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND ADOPTING APPENDIX A OF THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; PROVIDING FOR STANDARDS REGARDING BOARDING UP OF BUILDINGS; PROVIDING AN EFFECTIVE DATE.

The Public Hearing was opened. Those in favor were asked to come forward. None came forward. Those in opposition were asked to come forward. None came forward. The Public Hearing was closed.

Tim Polk, Planning & Community Development Director, invited Volker Reiss, Code Compliance Manager, to give a brief presentation.

**Volker Reiss, Code Compliance Manager**, stated that every three years the International Property Maintenance Code was updated. He said the City had used the IPMC since 2003 or 2004, and he felt it had served the City well. It was a modern code which tied in with all the codes used by the Building Department. He hoped the 2015 edition would be approved with its minimal changes, copies of which had been previously provided to Council.

Tim Polk stated the Staff Recommendation was for approval.

**MOTION TO APPROVE ORDINANCE 2972 was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

**NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL** – None scheduled.

**BUSINESS BY APPOINTMENT** - None scheduled.

**COUNCIL REPORTS**

**Vice Mayor Gene Gallo, Ward I** – Vice Mayor Gallo publically expressed his appreciation to **Mary Runnals** for having served on the Tree Board since its inception. Ms. Runnals had recently announced her retirement from the Board.

Mr. Gallo asked Mr. Polk to review a request from an owner of property at the intersection of Manatee Avenue and the 700 block who had been denied permission to place an ice vending machine on his property. Mr. Gallo felt it was a good site with easy access which could be appreciated and utilized by beach goers. Mr. Polk said he would investigate.

**Councilman Gene Brown, Ward II** – Councilman Brown thanked Mr. Polk and Mr. Gratz for their leadership at a recent Point Pleasant neighborhood meeting. He then asked Public Works Director, Claude Tankersley, for an update on the Rossi Park sign which had become an eyesore and remained on a major corridor of 9th Street West. Mr. Tankersley stated that the current sign was on ArtCenter Manatee’s leased property. ArtCenter Manatee and the South Florida Museum both had plans to expand and would not be able to accommodate the sign. It could not be moved into the FDOT right-of-way because that type of sign was not allowed.

Carl Callahan provided an overview of how things had changed in the area since the installation of the sign 20 years ago.

Discussion: Investigate potential sites for placement of a new sign; remove old sign as it was in bad shape

**MOTION TO KEEP THE CURRENT SIGN WHERE IT WAS WHILE EXPLORING OTHER PLACEMENT OPTIONS WHICH WOULD BE DISCUSSED AT THE NEXT COUNCIL MEETING was made by Councilman Byrd, seconded by Vice Mayor Gallo, and approved 5:0.**

Councilman Brown requested more information from Chief Radzilowski regarding a recent dog attack in which a blind man and his service dog were attacked by three pit bulls. The victim had stated to Mr. Brown that he felt there was confusion with the law and that there were special laws protecting service dogs. He was also concerned because the attack had taken place in close proximity to a school. Chief Radzilowski said the police took the report, but animal control investigated the situation. Chief said he would follow up to see what the outcome had been.

**Councilman Patrick Roff, Ward III** – Councilman Roff thanked Councilman Brown for attending the Point Pleasant meeting. He also thanked Vice Mayor Gallo for letting him know about the retirement of Mary Runnals, with whom he had served on the Tree Board for years.

**Councilman Bemis Smith, Ward IV** – Councilman Smith inquired about the issues of Point Pleasant. Tim Polk gave a synopsis of the complaints of the neighborhood residents. They felt that some developments had taken place which had changed the architectural aesthetics which Point Pleasant had been known for. There had also been some errors made by new City staff which had resulted in the demolition of a historic house. The residents had hoped to make changes to the Form Based Code to prevent certain types of developments and infill. Dialogue had also been opened between residents and Westminster Retirement Communities. Mr. Polk stated that plans were in progress to create a neighborhood conservation district which would result in changes to the use chart.

**Councilman Harold Byrd, Jr., Ward V** – Nothing to report.

**Mayor Wayne Poston** – Nothing to report.

#### **DEPARTMENT HEAD REPORTS**

**Carl Callahan:** Nothing to report.

**Chief Edwards:** Nothing to report.

**Chief Radzilowski:** Nothing to report.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Mr. Polk took the opportunity to introduce his wife of 40 years, Bridget, daughter, Rebecca, and grandsons, Garlan and Timothy. Mr. Polk's last day at the City would be January 28<sup>th</sup>.

**Bill Lisch:** Nothing to report.

Councilman Brown inquired about the direction and progress of the transition of the CRA's. Mr. Callahan stated there was a DDA workshop scheduled for January 26<sup>th</sup> which would make a recommendation to Council on previously unfinished business regarding a façade grant. He said that Council would also need to determine the future role of the DDA board and the geographical area of their coverage. Mr. Callahan said that Council would need to legally establish the CCRA as a recommending body, perhaps at the next City Council meeting. He suggested Council decide the best time to schedule their recurring CRA meetings.

There being no further business, Mayor Poston adjourned the meeting at 9:31 a.m.

NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available for a fee upon request.