

CITY OF BRADENTON
CITY COUNCIL MEETING
January 27, 2016
6:00 P.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 6:00 P.m. on Wednesday, January 27, 2016.

Present: Mayor Wayne Poston; Vice Mayor/Ward I Councilman Gene Gallo, 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 Karen Shrimpton of the Manatee County Baha'i community.
(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.

PROCLAMATIONS:

Seth Kohn Day – January 27, 2016

Seth Kohn, Public Works Engineer, was honored and thanked for his 36 years of dedicated service to the City. Public Works Director, **Claude Tankersley, John Cumming, former Public Works Director, and Harold Bridges of Smith, Gillespie, Jones & Edmunds**, extended their personal thanks to Seth for his tireless efforts expended since 1997 to assist in the development of the extremely successful ASR water supply system, among many other contributions.

PRESENTATIONS: None.

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

CITIZEN COMMENTS:

Rachel Layton, ZNS Engineering Planner, requested Council's reconsideration of a previous denial of **Special Use Request SU.15.4237 / Swift Kiwan Religious Assembly at 2102 14th Street West**. In response to previously expressed concerns of Council, Bradenton Tropical Palms had been contacted and it was confirmed that the parking agreement was in place. In addition, a specific tenant had signed a conditional lease. She submitted her written request for reconsideration, along with copies of the lease and cross easement for Council's review.

Vincent Crisci, applicant, stated that, if no action was taken, the lease was in jeopardy as the tenants had expected approval in December and were now looking at an additional time lapse. He requested action tonight as all conditions had been met and the representatives were present for questions.

MOTION TO REOPEN THE REQUEST WITH A STIPULATION THAT, DUE TO TONIGHT'S LENGTHY AGENDA, IT BE POSTPONED FOR DELIBERATION AT A FUTURE OR SPECIAL COUNCIL MEETING was made by Vice Mayor Gallo, seconded by Councilman Smith, and approved 5:0.

Glen Gibellina, 7110 28th St. E., requested clarification about why Manatee County was giving the City of Bradenton tax monies from the Pittsburgh Pirates training center.

Carl Callahan explained that there had been a 25-year agreement made between City and County to rebate the County portion of taxes which City residents had paid to assist in the redevelopment of Pirate City. He stated he would follow-up to provide backup information of that agreement to Mr. Gibellina.

CONSENT AGENDA:

Carl Callahan requested that Item J be removed from the agenda to allow for further analysis of air conditioning options.

- A. Minutes: Dec. 16 City Council meeting.
- B. Resolution 16-04: Reappointing Patrick Gallagher and Michelle Atkinson to the Tree Board.
- C. Resolution 16-05: Grievance Board appointments.
- D. Resolution 16-06: Reappointing Bonnie Belford to the Housing Authority Board.
- E. Public Event: Southeastern Guide Dogs Walkathon on Feb. 20 at Riverwalk. Request includes permission to store three pods with supplies in parking area from Feb. 18-22.
- F. Public Event: Realize Bradenton requests to change the date of Pickin' Picnic, a previously-approved event, from May 28 to May 7.
- G. Public Event: Grind for Life on Oct. 8 at Riverwalk skatepark.
- H. Public Event: Walk to End Alzheimer's on Oct. 22 at Riverwalk.
- I. Request for the City to subordinate a SHIP lien to a refinancing mortgage.
- J. Chiller replacement at City Centre. (*pulled from agenda*)

MOTION TO APPROVE Consent Agenda items A-I was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

ORDINANCE 2973 SECOND READING & PUBLIC HEARING

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 64th Street Court East in to the municipal boundaries.

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

Bob Gause, Allison-Gause, Inc., gave a PowerPoint presentation of the area involved in this request for annexation for the purpose of rezoning for commercial use. He stated the location was ideal as it was in a non-residential district which had access to major roads.

Those opposed were asked to come forward.

Bill Smock, 1108 64th St. Court E., stated he wasn't necessarily opposed, but rather more concerned about the vagueness about the type of business that would eventually occupy the property. He hoped that the use of the property would not diminish the quality of life in the area.

The Public Hearing was closed.

Tim Polk gave the Staff and Planning recommendations for approval:

STAFF RECOMMENDATION:

APPROVAL of AX.15.3628 based on the Findings of Fact with the following stipulation:

1. The applicant shall be responsible for all efforts and provide a guarantee for all costs to bring utilities to the property, by extending City of Bradenton services or by obtaining agreements from Manatee County, prior to the issuance of any development permit.

JOINT PLANNING COMMITTEE review took place on September 30, 2015, and a recommendation for the City to move forward with the process of annexation was approved 5-0.

MOTION TO APPROVE ORDINANCE 2973 was made by Councilman Smith, seconded by Councilman Brown, and approved 5:0.

ORDINANCE 2974 FIRST READING

CP.15.3629 Ward 4, Neighborhood 20.12: Request by Allison-Gause, Inc., agent, for Saul Lapidus, owner, for a Comprehensive Plan Map Amendment from RES-3 (County) to SCC, Suburban Commercial Corridor on 9.4 acres located at 1016 64th Street Court East.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2974 AND SET THE SECOND READING AND PUBLIC HEARING FOR FEBRUARY 10, 2016, was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

ORDINANCE 2975 FIRST READING

LU.15.15.3630 Ward 4, Neighborhood 20.12: Request by Allison-Gause, Inc., agent, for Saul Lapidus, owner, for a Zoning Atlas Amendment from A-1 (County) to SCC, Suburban Commercial Corridor on 9.4 acres located at 1016 64th Street Court East.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2975 AND SET THE SECOND READING AND PUBLIC HEARING FOR FEBRUARY 10, 2016, was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.

ORDINANCE 2976 FIRST READING & PUBLIC HEARING

LU.15.155285 Form-Based Code Amendment: Request of the City of Bradenton to amend the City of Bradenton Form-Based Code by creating the Point Pleasant Neighborhood Conservation District.

As this was a zoning amendment, it was also a Public Hearing.

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

Chris Gratz, Zoning Manager, gave a Staff Report including a PowerPoint presentation of the specifics of the proposed ordinance designed to help preserve the character of the neighborhood. He stated that at this time, there had been requests received from three residents to opt out of the conservation district.

STAFF RECOMMENDATION:

APPROVAL of LU.15.5285 as submitted.

PLANNING COMMISSION RECOMMENDATION, January 20, 2016

APPROVAL of LU.15.5285 with a 3-2 vote.

This ordinance modifies the allowances by the Form-Based Code in 3 basic ways to protect the character of the neighborhood:

- Setbacks to be those that are predominant on the block
- No height bonuses
- No non-residential commercial uses that aren't feasible

Tim Polk introduced a video which had been created by **Ann Lee Schreiber and her daughter, Debra**, which displayed the neighborhood as it currently is. It focused on concerns of the current zoning which leaves the neighborhood vulnerable to major building changes as well as additional acquisition of land by Westminster Communities which were feared would eliminate water views.

Dana Kibbey, 203 North 18th Street West, presented a letter previously submitted by **Debra Schreiber** to ensure that it was in the record as Ms. Schreiber could not be present.

Also speaking in favor of the proposed ordinance were:

Richard Kibbey, 203 North 18th Street West

Ed Schumaker, 1609 1st Ave. West

Jane Plitt, 1612 Point Pleasant Ave. West

Charles Wowack, 1549 1st Ave. West

Cheryl Spitzer, 1650 1st Ave. West

Carol Clarke, 1650 1st Ave. West

Ann Schrieber, 1717 1st Ave. West – She and her daughter had created the video. She expressed her apologies to anyone whose home may not have been featured on the video as it had been created in a limited time.

Fred Colagiovanni, 1523 1st Ave. West

Glen Gibellina, 7110 28th St. East

Those in opposition were invited to come forth.

Darenda Marvin, 1023 Manatee Ave. West, planner for Grimes Goebel Grimes Hawkins Gladfelter & Galvano, PL, representing Pt. Pleasant residents, Bob & Ruth Kelly, requested clarification prior to the next hearing on the following terminology of the code to determine how building plans of the Kellys would be impacted:

1. Front and side setbacks are to be predominant – is it the average setback, or next to you, or across from you?
2. View sheds - Where practical? What is prohibited? Landscaping, fence? Is this determined by staff? What is prohibited?
3. Architecture - Who determines? How applied?
4. Landscaping - Confusing language - Eclectic nature of the area should be able to be preserved.

Ms. Marvin also inquired about the opt-out feature and how those properties which opted out would then be regulated?

Richard Stagner, 105 North 18th Street West, wished to clarify that he had not made any agreement with Westminster but had only agreed to talk to them. Due to the location of his property, he had chosen to opt out of the proposed conservation district, but felt those who wished to be included should do so.

Ryan Snyder, 1800 Pt. Pleasant Ave., owner of a previously contested home built within the district which had been permitted under FBC when he had purchased the property, also stated he wished to opt out as it would imperil reconstruction of his home in the event of a catastrophic storm.

Patricia Petruff, 1111 3rd Ave., representing Westminster, referred to a letter previously submitted to the Mayor and Council stating that Westminster was not opposed to the conservation district, but felt it would not be an appropriate use for their properties. Westminster also wished to be excluded from the proposed district. At the town hall meeting, many complaints had come forth and Westminster was currently working to alleviate concerns. She referred to the McCarthy property for which approval had previously been obtained from the City for a multi-level, multi-story building. She said there were no plans to construct a 6-story facility as the video had stated. She also said that Westminster was not out aggressively seeking more properties. Regarding Mr. Stagner's property, she said there was a 50' pipeline easement under the property which would require a greater setback. She submitted a petition signed by 180 individuals in support of the ordinance but supporting the exception of the Westminster properties.

Mayor Poston thanked everyone for conducting themselves so civilly. The Public Hearing was closed.

Discussion: Prior to passage, Council could write certain parameters into the ordinance for property exclusions; how this would affect the ordinance if many residents wished to be excluded; question about "spot zoning;" protection of the character of the neighborhood had been a long-standing desire of the residents.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2976 AND SET THE SECOND READING AND PUBLIC HEARING FOR FEBRUARY 10, 2016, was made by Councilman Roff, seconded by Councilman Brown, and approved 5:0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL

Former Manatee Players' Theater Property – Land Purchase Agreement

Carl Callahan stated that he had received a purchase agreement for the former Manatee Players' Theater property for the purpose of building a hotel. He invited **David Cocco, owner and president of North Star Lodging and Development** of Pittsburgh, which specialized in operating hotels, particularly *Springfield Suites by Marriott*. Hundreds of jobs would also be created, during both the construction phase and throughout full operation. He displayed renderings of the proposed 9-story riverfront, customized hotel which would feature, among other things, an exercise room, tiki bar, outdoor pool facing the Manatee River, and a restaurant. He hoped to break ground this year if possible.

Will Robinson, legal counsel, Blalock Walters, stated that as part of the approval of this contract, there would also be included a parking agreement to utilize 100 parking spaces on the west side of the City Hall parking lot for the exclusive use of the guests and employees of the hotel. A more formal development agreement would then be forthcoming in the next few months.

Carl Callahan stated that a more global downtown parking plan would need to be given future consideration, but this agreement for 100 spaces would be a simple temporary solution. Discussion about ideas and possible locations for a parking garage in the downtown.

MOTION TO ACCEPT THE LAND PURCHASE AGREEMENT AND ADDENDUM was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Vice Mayor Gene Gallo, Ward I – Vice Mayor Gallo bid a fond farewell to Tim Polk, Planning and Community Development Director, who was appearing at tonight's Council meeting in his last professional role before he retired.

Councilman Gene Brown, Ward II – Councilman Brown also extended his well wishes to Tim Polk.

Councilman Patrick Roff, Ward III – Councilman Roff said he would be leaving for Tallahassee tomorrow to attend a joint meeting of the Metropolitan Planning Organization and also meeting with representatives Boyd, Steube, and Galvano about the utility relocation bill. He said he would be returning to Tallahassee the following week to attend the Florida League of Cities Legislative Action Days to continue to pursue matters of interest to Bradenton.

Councilman Bemis Smith, Ward IV – Councilman Smith also congratulated Tim Polk on his retirement and said he had appreciated working with him over the last ten years.

Councilman Harold Byrd, Jr., Ward V – Councilman Byrd announced that today he had officially filed to run for reelection. He felt a lot of good work had been accomplished and the opportunity to do more was motivational.

Mayor Wayne Poston – Mayor Poston joined in the thanks to Tim Polk.

DEPARTMENT HEAD REPORTS

Carl Callahan: Said that it was very exciting times to be able to work on all the ventures that were in progress. He expressed his appreciation to Tim Polk, Chief Radzilowski, and Claude Tankersley as they prepared to depart.

Chief Edwards: Nothing to report.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Said he was planning to be at the February 10th City Council meeting to lend support.

Bill Lisch: Jokingly told Tim Polk, Claude Tankersley, and Chief Radzilowski that going forward, they would be blamed for anything that was wrong.

There being no further business, Mayor Poston adjourned the meeting at 9:20 p.m.

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