

**MINUTES**  
**CITY OF BRADENTON**  
**CITY COUNCIL SPECIAL MEETING**  
**9 a.m. Wednesday, Feb. 3, 2016**

The City of Bradenton City Council met in special session in the City Hall Council Chambers, 101 Old Main St, Bradenton, Florida, at 9 a.m. on Wednesday, Feb. 3, 2016.

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

**City Officials:** Carl Callahan, City Administrator; Claude Tankersley, Public Works & Utilities Director; and Bill Lisch, City Attorney.

Mayor Poston opened the meeting at 9:06 a.m.

Old Kiwanis building

City Administrator Carl Callahan described what led to today's special meeting: The City Council rejected an application from ZNS Engineering, agent for Swift Kiwan LLC, for a Special Use approval to allow the former Kiwanis building, 2102 14th St. W., to be used for religious assembly. Council had rejected the application at its Jan. 13 meeting because of concerns about the lack of a parking plan and a specific tenant. But council had agreed to reconsider its decision if the applicant could clear up these concerns.

Rachel Layton, 201 5<sup>th</sup> Ave. Dr. E., ZNS Engineering, thanked council for reopening the hearing in today's special meeting. She introduced the property owners and leaseholders.

Mrs. Layton said she had been unaware of negotiations with a local church that wanted to lease the building. She said Universal Church has a conditional lease on the property; she introduced two of its members. She said the church understands the nature of the parking agreement with Bradenton Tropical Palms.

She displayed slides of new sidewalk and curbing work already completed, along with new striping, ADA-compliant signage, a valet zone and landscaping. She said the work was done so the tenant can move in as soon as the Special Use is approved. She said the church wants to offer services every day.

Bob Greene, with Greene Hamrick Perrey Quinlan & Schermer PA, said he spoke with management of Tropical Palms and they are OK with a church using the Kiwanis building and didn't believe it would be a problem with the residents. He pointed out that the Kiwanis Club was a similar use as the church and Kiwanis operated there for 40 years until it relocated. He also noted there three other churches in the vicinity.

Vincent Crisci of Swift Kiwan LLC, whose group purchased the old Kiwanis building about three years ago, said his group has bought vacant, neglected buildings with the goal of putting tenants in them. He

said the Kiwanis building has drawn interest from mostly churches and Universal Church got glowing reviews from its past landlord.

Vice Mayor Gene Gallo said he wants to make sure the building owner and the tenant understand that the agreement between the owner and tenant states that the property will not be used for feeding, clothing, sheltering, or allowing the congregation of homeless people on its premises. He said the City isn't anti-homeless people but is also responsible for the other business owners and residents along 14<sup>th</sup> Street West. He pointed out that there are several other locations in the City that provide public assistance to those in need.

Councilman Bemis Smith agreed, saying the council has done much to take care of the homeless more so than any other community as far as he knows.

Universal Church representative Jose Valdez, who lives in Miami, said if anyone has any questions he is available to answer. Councilman Smith asked about the size of the congregation. Mr. Valdez said some of the congregations in Miami can be as large as several hundred people but they also have churches with congregations under 50 people. Services will be seven days a week, he confirmed.

Mr. Greene described Universal Church as an international church that was founded in Brazil in 1977 with 20 churches in Florida and 300 across the United States. He said there are three in Tampa but this would be the first one in Bradenton. He said members live in Bradenton.

Mr. Crisci said the goal is for 100-120 members with a staff of three.

Mayor Poston closed the public hearing.

Councilman Smith asked the occupancy, to which Christopher Gratz, the City's Development Services and Zoning Manager, said 324. Councilman Smith said he is still concerned about the intensity of the use. Kiwanis met once a week but now we're talking about a church that meets seven days a week and might increase its membership. He pointed out there is no on-street parking in reasonable walking distance. But he noted the Form-Based Code encourages the use of existing parking lots in an urban environment so the City isn't littered with parking lots everywhere.

**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.

**MOTION TO APPROVE SU.15.4237 WARD 3 NEIGHBORHOOD 6.03, with stipulations, was made by Councilman Harold Byrd and seconded by Councilman Gene Brown.**

Vice Mayor Gallo asked if he could clarify his support. He said he is heavy hearted about this because he believes in feeding the homeless and hopes the church can assist the City in also doing what's right for the entire community.

Councilman Smith agreed and added that although he is concerned about traffic and parking, he does not believe they are sufficient enough to reject the Special Use request because something that could cause worse traffic and parking issues could move into that building without getting council's approval.

The motion carried 4-0. Councilman Patrick Roff was not in attendance due to a Florida League of Cities meeting in Tallahassee.

#### Review of Manatee Players parking

Administrator Callahan said for long time the City has been concerned about parking at the new Manatee Performing Arts Center (Players) on the waterfront. Original agreement called for the City to add parking, which it did. But that lot has come under strain at times with the growing popularity of the Riverwalk and it's not the most convenient parking for the Players, which has been seeking a better alternative for its patrons.

The City and Players are now discussing a \$2.7 million loan to buy the old Carver Apartments site and turn it into a parking lot. Noted the Players has satisfied all requirements of the City's original loan that enabled them to relocate to the waterfront; but he also noted this is a short-term solution to help them and the City isn't a "banking solution" for the Players. The City has protections built it, including a mortgage on the property and identifying the parking lot as future development. When the parking lot is done, he hopes the Players encourages its patrons to stop parking on the lawn.

Jack Hawkins, a Players board member and chairman of its Parking & Development Committee, said this is an opportunity for the Players and the City to help the facility grow beyond its use as a theater and into a community center. But it needs parking, he said. He said it will be a parking lot that will look like a

park. He said the Players paid back its original loan well in advance, to which Mayor Poston said was true.

Administrator Callahan said this agreement would give the Players existing parking lot for Riverwalk parking, which would be helpful for large events like Blues Fest. This parking lot of 125 spaces is included in the Players' \$2.3 million payback on the \$2.7 million loan, along with 2% interest. The loan has to be paid back before the Players moves on to other significant capital projects. The Players new lot can be used for major events in the City, like the Regatta.

**MOTION TO APPROVE the loan was made by Vice Mayor Gallo, seconded by Councilman Brown.**

Mayor Poston hinted that a stipulation should require the name change of the Manatee Performing Arts Center to the Bradenton Area Performing Arts Center.

The motion passed 3-1 with Councilman Smith casting the lone dissent.

Councilman Smith left the meeting.

#### Reservoir update

WCI has decided it does not want to purchase the Reservoir property. The City has the opportunity to move forward with seeking a new buyer. Prospective buyers are already calling.

Instead of issuing a Request for Proposal like last time, the City is going to issue a request to negotiate with all interested parties instead of choosing just one.

**MOTION TO APPROVE putting the property on the market and negotiating with all interested parties was made by Councilman Brown, seconded by Councilman Byrd and approved 3-0.**

#### Updates

City Hall chiller – Two of the 17-year-old a/c units at City Centre are breaking down. He asked if council would allow staff to make the call on replacing the chillers when the right opportunity arises. Staff is investigating its options and wants to be able to move forward if they find something in the City's best interest.

**MOTION TO APPROVE authorizing the Mayor to execute a contract if it arises was made by Councilman Gallo, seconded by Councilman Brown and approved 3-0.**

Public Works Director – Administrator Callahan announced that Jim McLellan will be promoted to director of the Public Works & Utilities Department and Dave Beauchamp will be promoted to assistant

director. The moves were necessary following Director Claude Tankersley's recent announcement that he has accepted the same job in St. Petersburg and will be leaving soon. He commended the years of service and the superb organization Director Tankersley established at Public Works. He said both Mr. McLellan and Mr. Beauchamp are qualified to take over so both will be promoted into director roles.

Mayor Poston and Councilmen congratulated Mr. McLellan and Mr. Beauchamp on their promotions and wished Director Tankersley well in his new job.

Director Tankersley said the City chose well with the promotions of Mr. McLellan and Mr. Beauchamp and said he believes they will create an even stronger Public Works Department. He said his leaving is bittersweet and he thanked City officials for their years of support.

The meeting adjourned at 10:40 a.m.