

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**February 10, 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, February 10, 2016.

**Present:** Mayor Wayne Poston; Vice Mayor/Councilman Ward I 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; Jim McLellan, Public Works & Utilities Director; Chuck Edwards, Fire Chief; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by Rev. Alan L. Jackson, Rogers Community 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.

**PROCLAMATIONS:** None.

**PRESENTATIONS:** None.

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

**CITIZEN COMMENTS:** None.

**CONSENT AGENDA:**

- A. Year-End Budget Adjustments.
- B. Minutes: Jan. 13 City Council meeting.
- C. Resolution 16-08: Appointing Andrew Stillman to the Tree Board.
- D. Resolution 16-09: Reappointing Gail Murrell to the Central CRA Board.
- E. Budget Adjustment for back-up power supplies – BPD.

Carl Callahan requested that Item D be removed because the board had not yet been officially adopted.

**MOTION TO APPROVE Consent Agenda Items A-E excluding D was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

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

**RV.15.2883 PUBLIC HEARING**

RV.15.2883 WARD 4, NEIGHBORHOOD 20.03 AND 20.13: Request by Najmy/Thompson, PL, agent, for WCI Communities, Inc., owner, for Vacation of a portion of Right-of-Way along 48th Street Court East, located east and north of the guard house at the entry of WCI Tidewater Preserve Subdivision.

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

**Stephen Thompson, Najmy/Thompson, representing WCI,** stated this was a portion of property behind the gatehouse that was internal to the Tidewater Community and met all City criteria for annexation. Under this vacation, the City of Bradenton would no longer be responsible for maintenance and repair of the roadway. Staff and Planning Commission had recommended approval with stipulations.

Those opposed were invited to come forward. None came.  
The Public Hearing was closed.

**Chris Gratz, Development Services & Zoning Manager**, gave the Staff and Planning Commission recommendations for approval with stipulations:

**STAFF RECOMMENDATION:**

**APPROVAL of RV.15.2883** in accordance with LUR Section 2.2.7 Vacation of Public Rights-of-Way with the following stipulations:

1. A non-exclusive, permanent utility easement in the proposed vacation area must be granted to the City.
2. A maintenance agreement must be reached between WCI Communities (or the subsequent Homeowner's Association) and the City.

**PLANNING COMMISSION RECOMMENDATION (January 20, 2016):**

**APPROVAL (5-0) of RV.15.2883** in accordance with LUR Section 2.2.7 Vacation of Public Rights-of-Way with the following stipulations:

1. A non-exclusive, permanent utility easement in the proposed vacation area must be granted to the City.
2. A maintenance agreement must be reached between WCI Communities (or the subsequent Homeowner's Association) and the City.

**MOTION TO APPROVE RV.15.2883 with two stipulations was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

**ORDINANCE 2977                      FIRST READING**

An ordinance annexing to the City of Bradenton, Florida, certain land contiguous thereto, located at 5700 State Road 64, 711 Morgan Johnson Road (57th Street East) and two (2) contiguous parcels with no addresses on the east side of Morgan Johnson Road; parcel numbers: 1120300056, 1120900004, 1121700059, 1121710209 and legally described as follows.

**MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2977 AND SET THE SECOND READING AND PUBLIC HEARING FOR FEBRUARY 24, 2016 was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

**ORDINANCE 2974                      SECOND READING & PUBLIC HEARING**

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.

**ORDINANCE 2975                      SECOND READING & PUBLIC HEARING**

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.

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

**Bob Gause, Allison-Gause, Inc., agent**, stated this was the completion of the previously granted request for annexation to rezone the property from County A-1 to City Suburban Commercial Corridor.

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

**Chris Gratz, Development Services & Zoning Manager**, gave the Staff and Planning Commission recommendations for approval:

**STAFF RECOMMENDATION:**

APPROVAL of CP.15.3629 based on the Findings of Fact and Analysis of the proposed Small Scale Comprehensive Land Use Plan Amendment.

APPROVAL of LU.15.3630 based on the Findings of Fact and Analysis of the proposed Zoning Atlas Amendment.

---

**PLANNING COMMISSION RECOMMENDATION (January 20, 2016):**

APPROVAL of CP.15.3629 with a 5-0 vote.

APPROVAL of LU.15.3630 with a 5-0 vote.

---

**MOTION TO APPROVE ORDINANCE 2974 was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.**

**MOTION TO APPROVE ORDINANCE 2975 was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

**ORDINANCE 2976 SECOND 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.

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

Speaking in favor of the ordinance for neighborhood preservation as it was presented by Staff were:

**Jane Plitt, 1612 Point Pleasant Ave. W.**

**Ann Lee Schreiber, 1717 1<sup>st</sup> Ave. W.**

**Charles Wowack, 1549 1<sup>st</sup> Ave. W.**

**Tim Polk, 4840 Trout River Crossing, Ellenton, former Planning Director**

**Carol Clarke, 1650 1<sup>st</sup> Ave. W.**

**Patricia Petruff, 1111 3<sup>rd</sup> Ave. W.**

**Richard Kibbey, 203 N. 18<sup>th</sup> St. W.**

A signed petition and testimonials in support of the ordinance were provided to the City Administrator.

Those in opposition were invited to come forward:

**Robert Lincoln, 46 N. Washington Blvd., Sarasota, attorney and planner**, representing **Ryan Snyder, 1800 N. Pt. Pleasant Ave.**, stated that the ordinance took away the rights of property owners and was vague and capricious, subject to the whims and interpretations of Planning Department staff. He further said this action was improper as it was a map amendment which required a petition signed by of 51% of the property owners and a legal description of the properties to be affected. Neither had been done. He implied that it would result in numerous lawsuits.

The Public Hearing was closed.

**Chris Gratz, Development Services & Zoning Manager**, gave a PowerPoint presentation summarizing the amendments to the ordinance made in response to questions that had been posed at the January 27<sup>th</sup> City Council meeting. He provided specifics and clarifications of those changes addressing height, setbacks, landscaping, architecture, and view shed. He said the ordinance had a built-in protection against capricious staff discretion as it included the right for an appeal to the Architectural Review Board, and then to City Council, if desired.

Discussion: Reasonable investment expectations and perceived loss of value or property rights; lawsuits; trigger point would be application to change development; possibility of limiting timeframe for suits; Burt Harris Act; flawed ordinance; requests for exemption; and desire of the majority of the neighborhood residents

**MOTION TO APPROVE ORDINANCE 2976 was made by Councilman Roff, seconded by Vice Mayor Gallo, and approved 5:0.**

## NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL

Carl Callahan, City Administrator

- **Twin Dolphin Lease Agreement**

Mr. Callahan invited **Hugh Miller, President, Don Miller Development Corporation**, to speak. Mr. Miller gave a PowerPoint presentation depicting the evolution of the marina beginning when the lease had been executed in 1974 to present, as well as an exciting vision for the future. Expansion of the current facility would enable the marina to accommodate more and larger vessels in a state-of-the-art floating dock system. The redevelopment would be done in phases via state and federal grants. The financial benefits of completing the expansion would also be advantageous to the surrounding area.

City officials expressed their appreciation for how the marina had transformed the waterfront through the years and had maintained and increased in popularity. Details had been worked out in the lease to address long-term parking arrangements and boat rental incentive issues.

**MOTION TO APPROVE THE UPDATED TWIN DOLPHIN LEASE AGREEMENT was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

- **Drug Free Workplace Program**

Mr. Callahan stated there had been some minor changes made to the Drug Free Workplace Program to maintain consistent with current laws. This had been brought forward through Risk Management, Human Resources, and labor attorneys. Approval was recommended.

**MOTION TO APPROVE THE REVISED DRUG FREE WORKPLACE PROGRAM was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

**BUSINESS BY APPOINTMENT** - None scheduled.

### **COUNCIL REPORTS**

**Vice Mayor Gene Gallo, Ward I** – Vice Mayor Gallo expressed his condolences to **Jim Williamson**, former engineer who had worked diligently on City projects for many years, who had lost his fiancée in a tragic accident.

**Councilman Gene Brown, Ward II** – Councilman Brown inquired about the progress of the plans to replace the deteriorating Rossi Park sign on 9<sup>th</sup> Street West. Carl Callahan said it would be work-shopped in the near future as there were a couple of ideas and locations to discuss. He suggested two signs: a monument sign for historical significance and an electronic sign for notification services. A directive to remove the old sign, as it was not honoring in its condition, was made to Public Works Director, Jim McLellan.

**Councilman Patrick Roff, Ward III** – Councilman Roff said he had gone to Tallahassee last week on behalf of the Florida League of Cities to lobby for two issues: resist shift of responsibility by telecom companies to local government for maintenance of their lines, and to alter verbiage in record requests to battle fictitious lawsuits.

**Councilman Bemis Smith, Ward IV** – Councilman Smith extended his sympathies to the family of **Bill Mixon**, a long-time influential presence in the community. Mr. Smith then extended congratulations to pharmacist **Robert Pelot**, named as *“Manatee County Man of the Year”* during the Manatee County Fair which had been held in January.

**Councilman Harold Byrd, Jr., Ward V** – Reiterated Councilman Smith’s comments in the great loss of Bill Mixon and the notable recognition of Robert Pelot.

**Mayor Wayne Poston** – Mayor Poston invited everyone to attend the swearing-in ceremony of **Melanie Bevan**, new **Chief of Police**, to be held at 3:00 on Tuesday, Feb. 16, in the Bradenton Municipal Auditorium.

## **DEPARTMENT HEAD REPORTS**

**Carl Callahan:** Welcomed **Jim McLellan**, new **Public Works and Utilities Director**, and acknowledged and thanked **Claude Tankersley** as he would leave on Friday. Mr. Callahan stated that the Invitation to Negotiate on the reservoir property would be announced in the paper and the previous bidders would be contacted as well. He said that the terms were now wide open.

**Chief Edwards:** Nothing to report.

**Chief Radzilowski:** As this was his last time at a City Council meeting in an official capacity as the Police Chief, he expressed his thanks and fond farewells.

**Jim McLellan:** Expressed his gratitude for the confidence placed in him and the Public Works management staff and pledged to continue the good work that Claude Tankersley had started. He said he had been working with Claude since 2003 and now considered him a friend rather than a colleague.

**Bill Lisch:** Nothing to report.

Mayor Poston acknowledged and thanked Manatee County Commissioners Whitmore and Chappie, present in the audience.

There being no further business, Mayor Poston adjourned the meeting at 10:47 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.