

**CITY OF BRADENTON
CITY COUNCIL MEETING**

April 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, April 13, 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; Melanie Bevan, Police Chief; Jim McLellan, Public Works & Utilities Director; Chuck Edwards, Fire Chief; Catherine Hartley, Planning and Community Development Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by **Kelly Matson, CEO, CareNet Manasota Pregnancy Center.**

(The City does not endorse the religious beliefs of any speaker.)

The Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston who acknowledged the presence of **Manatee County Commissioners John Chappie and Carol Whitmore in the audience.**

PROCLAMATIONS:

Child Abuse Prevention Month, April 2016 – The proclamation was accepted by **Major Connie Shingledecker** on behalf of the many agencies that assist to prevent child abuse: Manatee County Sheriff's Office & Child Protective Services, the Department of Health, Healthy Start, Family Partnership Center, Manatee Children's Services, Healthy Families, Parents as Teachers, and more throughout the county. Last year, Manatee County had experienced a heroin epidemic which had resulted in the removal of many children from their homes.

Donate Life Month, April 2016 – The proclamation was accepted by Donate Life volunteer, **Rita Smith**, who provided registration cards for anyone who wished to become a donor. She reminded everyone that one person can save or enhance the lives of as many as 60 people.

PRESENTATIONS: Hernando DeSoto Crewe Update

Ray Niecestro, Executive Director of the Hernando DeSoto Historical Society, President Terry Wilson, "Hernando" Bob Richardson, Queen Ellie Sharp, Padre Jeff Nance, and Captain Paul Webb urged everyone to join in on the many fun events planned for this month in recognition of the Hispanic history of the area and to raise money for charities. The Seafood Fest which had been held on April 1-3 had been named 'BEST FESTIVAL' by **SRQ** magazine. They invited all to attend the 'capture' of Mayor Poston and 'takeover' of the City of Bradenton which would take place on Saturday, April 23rd, at City Hall. The citizens were invited to come to defend the mayor and their homeland.

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. Resolution 16-15: Approving SHIP funding for housing rehabilitation at 7301 13th Ave. W.
- B. Resolution 16-16: Approving SHIP funding for housing rehabilitation at 219 8th Ave. Dr. E.
- C. Resolution 16-17: Approving SHIP funding for housing rehabilitation at 1802 7th Ave. E.
- D. Resolution 16-18: Approving SHIP funding for housing rehabilitation at 1004 14th St. E.
- E. Resolution 16-19: Approving SHIP funding for housing rehabilitation at 2410 11th Ave. E.
- F. Requesting approval of the recommended vendor and the allocation of assigned CDBG sub-recipient funds.
- G. Forfeiture Fund request: Police Officer Recruiting Program.
- H. Minutes: March 23 City Council meeting.
- I. Vehicle for Hire Permit: Request from Astra Medical Transportation to operate a non-emergency patient transport in the City.

Vice Mayor Gallo asked that Item I be removed from the agenda for further discussion.

MOTION TO APPROVE CONSENT AGENDA ITEMS A-H was made by Councilman Roff, seconded by Councilman Smith, and approved 5:0.

Vice Mayor Gallo questioned the City's authority to approve Item I as Manatee County has an existing agreement with a provider for full emergency and non-emergency service. He voiced his concern about the applicant's proposal to transport individuals on stretchers without medical personnel on board. He requested time to determine if the City has the authority to approve the request.

MOTION TO TABLE ITEM I UNTIL THE APRIL 27th CITY COUNCIL MEETING was made by Vice Mayor Gallo, seconded by Councilman Byrd, and approved 4:1 with Councilman Smith in opposition.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

ORDINANCE NO. 2981 FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE III, FIREFIGHTERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 1, DEFINITIONS; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; AMENDING SECTION 7, PRE-RETIREMENT DEATH; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 16, MINIMUM DISTRIBUTION OF BENEFITS; AMENDING SECTION 27, PRIOR FIRE SERVICE; AMENDING SECTION 29, DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2981 AND SET THE SECOND READING AND PUBLIC HEARING FOR APRIL 27th was made by Councilman Roff, seconded by Councilman Brown, and approved 5-0.

SU.16.0146 WARD 4 NEIGHBORHOOD 20.12 PUBLIC HEARING

Request by GreenbergFarrow Architecture, agent, for MIMCO Properties, LLC / Kathy & Jack McKendree, owners, for a Special Use approval of a new 134,630 square foot Building Materials store on the 20.97 acres of properties located at 5700, 5704, and 5820 State Road 64, 711, 823, and 907 Morgan Johnson Road (57th Street East) and three (3) contiguous parcels with no addresses (PIDs 11203000056, 1120900004, 1121710209, 1121700059, 1121700109, 1121710159, 1121800005, 1121400004, and 1424600003).

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

Ed Allen, GreenbergFarrow Architecture, 1430 W. Peachtree Street, Atlanta, GA, displayed a PowerPoint rendering of the proposed home improvement facility and stated that all of the required rezoning, annexations, and variances had been acquired.

Councilman Smith inquired about an easement between the subject property and an adjoining property, and whether any stipulations of a prior annexation of adjacent properties had required any easements. Mr. Allen stated that a private easement between private properties had been included. **Myra Schwarz, City Planner**, stated that she had reviewed the 2009 annexation, and in the documents that she reviewed, neither of the two stipulations included in the earlier annexation had addressed requiring any legal easement. Councilman Smith commented that since current staff was not present at the time of the earlier proceeding, he wanted to ensure that it was in keeping with the original stipulations. He requested Planning staff to review a letter of requirements dated July 21, 2010 sent from Dorinda Marvin, attorney for the original applicant, to Ruth Seewer, former Zoning Manager, to ensure consistency.

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

Myra Schwarz, Planning & Community Development GIS/Planner, gave the Staff and Planning Commission recommendations for approval:

STAFF RECOMMENDATION:

APPROVAL of **SU.16.0146** Home Improvement Store with the following stipulation(s):

1. Subject to Manatee County approval, complete the sidewalk along Morgan Johnson Road the entire length of the property.
2. Provide a bicycle rack that accommodates at least (6) bicycles near the entrance of the store.
3. Relocate the proposed shed display area adjacent to Morgan Johnson Road to inside, beside, or in front of the Garden Center.
4. Relocate the proposed trailer display spaces adjacent to Morgan Johnson Road as far away from the right-of-way as possible.
5. Outside storage, outdoor sales and display, truck rental spaces, and seasonal sales shall be limited to the locations indicated on the site plan.
6. A shopping cart retention system shall be installed and maintained.
7. Lighting is to be installed below/not in conflict with the tree canopy and maintained.
8. Secure the rear and east side unused land to show the perimeter, if not with fencing, then with unfriendly (thorny) plants/hedges, to prevent vagrancy and discourage entry into unseen areas. The chain link fencing around the retention ponds is to be clad with black or brown vinyl fencing and fence posts.
9. The use of loud speakers is prohibited.
10. Overnight parking is to be prohibited; towing signs and a towing contract are to be maintained.

PLANNING COMMISSION RECOMMENDATION: March 16, 2016

APPROVAL of **SU.16.0146** Home Improvement Store with the following stipulation(s):

1. Subject to Manatee County approval, complete the sidewalk along Morgan Johnson Road the entire length of the property.
2. Provide a bicycle rack that accommodates at least (6) bicycles near the entrance of the store.
3. Relocate the proposed shed display area adjacent to Morgan Johnson Road to inside, beside, or in front of the Garden Center.
4. Relocate the proposed trailer display spaces adjacent to Morgan Johnson Road as far away from the right-of-way as possible.
5. Outside storage, outdoor sales and display, truck rental spaces, and seasonal sales shall be limited to the locations indicated on the site plan.
6. A shopping cart retention system shall be installed and maintained should it be determined to be necessary by the Bradenton Police Department or the Community Services and Code Compliance Division.
7. Lighting is to be installed below/not in conflict with the tree canopy and maintained.
8. Secure the rear and east side unused land to show the perimeter, if not with fencing, then with unfriendly (thorny) plants/hedges, to prevent vagrancy and discourage entry into unseen areas. The chain link fencing around the retention ponds is to be clad with black or brown vinyl fencing and fence posts.
9. The use of loud speakers is prohibited.
10. Overnight parking is to be prohibited; towing signs and a towing contract are to be maintained. Motion carried 4-0.

MOTION TO APPROVE SU.16.0146 WITH THE TEN STIPULATIONS OF THE PLANNING COMMISSION was made by Councilman Smith, seconded by Councilman Byrd, and approved 5-0.

SU.16.0566 & MA.16.0565 WARD 4 NEIGHBORHOOD 20.11 PUBLIC HEARING

Request by McCON Building Corporation, agent, for S & L Properties Bradenton, LLC, owners, for the approval of a Special Use and Major PDP Amendment for a 4,734 sq. ft. Culver's restaurant with a drive-through and a future 4,500 sq. ft. commercial use building on 3.2467 acres of property located at 4714 State Road 64 East (PID 1127212059). Zoned SCC, Suburban Commercial Corridor.

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

Chris McGuire, McCON Building Corporation, President, displayed renderings of the proposed facility and outlined details which had been added to enhance mobility and safety: relined the driveway, redesigned the drive-through, screened rooftop equipment, and followed staff's recommendation for signage placement. He stated that an additional retail facility would be added in the future.

Myra Schwarz clarified that the special use permit was for the drive-through and was for the Culver's restaurant only and not for the future development. The future development could return before Council for approval at a later date if a Special Use was required. The Major Amendment approval was necessary as the original PDP stipulated a single larger commercial building, and the proposed change is for two smaller commercial uses including a drive-through restaurant.

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

Myra Schwarz gave the Staff and Planning Commission recommendations for approval:

STAFF RECOMMENDATION:

APPROVAL of SU.16.0566 Culver's 64.

APPROVAL of MA.16.0565 Culver's 64 with the following stipulation:

Stipulation 1.d. from the original approval is changed to a 4,734 sq. ft. drive-through restaurant and a future 4,500 sq. ft. commercial building. The commercial building shall not be entitled to a free-standing sign unless the existing sign for the entire plaza is moved no closer than 100 feet from the sign to the west and there be at least 100 feet between signs along SR 64 East.

PLANNING COMMISSION RECOMMENDATION: March 16, 2016

APPROVAL of SU.16.0566 Culver's 64. Motion carried 5-0.

APPROVAL of MA.16.0565 Culver's 64 with the following stipulation:

Stipulation 1.d. from the original approval is changed to a 4,734 sq. ft. drive-through restaurant and a future 4,500 sq. ft. commercial building. The commercial building shall not be entitled to a free-standing sign unless the existing sign for the entire plaza is moved no closer than 100 feet from the sign to the west and there be at least 100 feet between signs along SR 64 East. Motion carried 4-0.

MOTION TO APPROVE SU.16.0566 and MA.16.0565 was made by Councilman Smith, seconded by Councilman Roff, 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 stated he and Councilman Roff had attended the Council of Governments meeting last week which had addressed school parking and transportation issues in Manatee County. They had originally believed the Accord agreement between the City and County would be discussed, but it would need to be discussed at a later date.

Councilman Gene Brown, Ward II – Councilman Brown expressed his condolences to the family of **MHS Coach Woody Woodward**.

Councilman Patrick Roff, Ward III – Councilman Roff said he had talked to the director of the Metropolitan Planning Organization about the topics that had been discussed at the Council of Governments meeting. It appeared there had been some errant facts reported. There would be at least 3-4 phases of planning regarding the bridge situation.

Mr. Roff reminded everyone to come out for the bi-annual Ware's Creek Clean-up which would be held on Saturday, April 16th from 9:00-noon.

Councilman Bemis Smith, Ward IV – Councilman Smith expressed his thanks and commendation to Chief Bevan on the difference he had noted in lesser instances of blocked intersections since the inception of the prevention program which had begun on April 1. Chief Bevan said officers had issued 101 written warnings and 17 citations. She had been in touch with FDOT to acquire informational signs which would be posted at some of the most problematic intersections.

Councilman Harold Byrd, Jr., Ward V – Councilman Byrd also offered his prayers and condolences to the **Woody Woodward** family.

Mayor Wayne Poston – Mayor Poston said another fine friend of the City, **Bob Levy**, had been lost. He had been a lobbyist in Tallahassee who had been very helpful for the causes of the City. He expressed his sympathies to Mr. Levy’s survivors.

Catherine Hartley, Planning & Community Development Director, was pleased to report that she had just become a new City resident. Upon urging by Mayor Poston, she also stated she had been selected as “**Planner of the Year**” by the **Florida Chapter of the American Planning Association**.

DEPARTMENT HEAD REPORTS

Carl Callahan: Nothing to report.

Chief Edwards: In observance of **Telecommunications Week**, Chief Edwards thanked BPD dispatchers for doing an excellent job in the difficult and high-stress positions they are in.

Chief Bevan: Chief Bevan thanked everyone who had joined in expressing appreciation to the dispatchers, including BFD. She also invited all to follow BPD and ‘like’ them on Facebook. Lastly, she thanked Council for the approval of the funding for the new recruiting unit which had gone to their first event last week and had done excellently in recruiting quality candidates. Manatee High School students had volunteered to create a video for BPD, and the advertising effort was growing.

Jim McLellan: Mr. McLellan said that City crews were just beginning the clean-up of Indian Springs Park. He also said the paving contractor had unexpectedly become available earlier than expected, so the annual paving program would recommence in River Isles and extend to Seabreeze. He reported that the storm drain repair project had been completed from River Isles to Seabreeze.

Bill Lisch: Nothing to report.

Mr. Roff made mention of the approval of the use of forfeiture funds seized in illegal activities which would be used for police equipment.

Mayor Poston: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 10:17 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.