

CITY OF BRADENTON
CITY COUNCIL MEETING
September 14, 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, September 14, 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; Catherine Hartley, Planning and Community Development Director; Chuck Edwards, Fire Chief; Melanie Bevan, Police Chief; Jim McLellan, Public Works & Utilities Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by **Pastor Rick Speece, Calvary Baptist Church.**
(The City does not endorse the religious beliefs of any speaker.)

The Pledge of Allegiance was led by Mayor Poston.

Trevor Gooby, Pittsburgh Pirates' Senior Director of Florida Operations, along with **Rachelle Madrigal, General Manager of the Bradenton Marauders,** displayed the trophy awarded to the **Marauders** as winners of the **2016 Florida State League Championship.** He thanked Council for their support throughout the years. He said that since their inception in 2010, the Marauders had launched 35 players into the major leagues as well as seen others go on to become All-stars or play in the World Series. Finally, Trevor said it had been an honor to work within this community for the last 12 years, and he was proud of what had been done at McKechnie Field and Pirate City. He announced he would be leaving on September 24th to assume his new position with the Seattle Mariners, but would become a snow-bird and keep in touch.

All expressed their thanks and appreciation. Carl Callahan added that the Manatee County Commission had just yesterday approved the new scoreboard for McKechnie Field.

Lt. Jeremy Giddens, Bradenton Police Department, introduced **Mr. Jim Arcomone, Firehouse Subs District Manager,** who presented the Bradenton Police Department with a Phillips Heartstart AED (Automated External Defibrillator) valued at \$1,199 contributed by the **Firehouse Subs Public Safety Foundation.**

PROCLAMATIONS: Life Insurance Awareness Month – September, 2016

The proclamation was cordially accepted by **Ronnie Grubbs,** a longtime, Bradenton-grown, insurance industry staple and founder of **Ronnie Grubbs Insurance, LLC.**

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. Public Event: Grind For Life on Oct. 1 at Riverwalk skatepark.
- B. Forfeiture Fund Request – programs, equipment.
- C. Resolution 16-49: Mortgage and Security and Land Use Restriction agreements for Grand Palms project.
- D. Resolution 16-50: Subordination Agreement for Grand Palms project.
- E. Joint funding agreement with US Geological Survey
- F. Approval of purchase of vacuum degasification stripping tower equipment for ASR-2 project at Wastewater Treatment Plant.
- G. Budget Adjustment - Bradenton Police Department

- H. Resolution 16-47: 2016 SHIP Annual report.
- I. Resolution 16-48: CDBG substantial amendment.

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

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

SU.16.2438 WARD 2 NEIGHBORHOOD 11.05 PUBLIC HEARING

Request by Richard Hennings Architect, agent, for Bradenton Hospitality LLC, owner, for a Special Use Permit for two (2) hotels on the properties located at 5515 Cortez Road West, zoned SCC, Suburban Commercial Corridor; Parcel Identification Numbers: 51695840059, 5165840109, 5165840159.

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

Christopher Gratz, Development Services/Zoning Manager, gave the Staff and Planning Commission recommendations for approval with stipulations:

STAFF RECOMMENDATION:

APPROVAL of SU.16.2438 Bradenton Hospitality with the following stipulation(s):

1. Provide a bicycle rack that accommodates at least (3) bicycles near the entrance of each hotel.
2. Prohibit tractor-trailer parking from the bus/trailer/camper parking area behind the buildings. Restricting the area to RV's, trailers, moving vans, other over-sized vehicles belonging to hotel customers.
3. Construct a six (6) foot solid wall or vinyl fence along the western boundary of the site.

PLANNING COMMISSION RECOMMENDATION: August 10, 2016

APPROVAL of SU.16.2438 Bradenton Hospitality with the following stipulation(s):

1. Provide a bicycle rack that accommodates at least (3) bicycles near the entrance of each hotel.
2. Prohibit tractor-trailer parking from the bus/trailer/camper parking area behind the buildings. Restricting the area to RV's, trailers, moving vans, other over-sized vehicles belonging to hotel customers.
3. Construct a six (6) foot solid wall, with a design to be approved by the PCD Director, along the western boundary of the site that will not affect current drainage patterns.

Leo Sand, architect, representing Bradenton Hospitality, LLC, applicant, said they had owned the property for 7-8 years but had needed to wait during the economic downturn until a turn-around could be realized before presenting this project. He was optimistic that the new facilities would be operational by this time next year.

MOTION TO APPROVE SU.16.2438 WITH 3 STIPULATIONS was made by Councilman Brown, seconded by Vice Mayor Gallo, and approved 5:0

ORDINANCE NO. 2986 FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTIES LOCATED AT 614, 616, 619, 620, 622 11TH AVENUE EAST AND 1006, 1008, 1010, 1012, 1014, 1016 6TH STREET COURT EAST BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.16.3068 LINCOLN VILLAGE) CHANGING THE FUTURE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL (10 DU/ACRE) TO UCBD, URBAN CENTRAL BUSINESS DISTRICT; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Callahan explained that this change had been requested by the CRA to accommodate Lincoln Village and clarified that the City's share of the project pre-development costs would not be \$159,000 as implied in the accompanying document, but rather closer to \$20,000. He requested approval of the first reading and to have the second reading and public hearing set for September 28, 2016.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE #2986 AND SET THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 28, 2016 was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

ORDINANCE 2988 FIRST READING & PUBLIC HEARING

PR.15.4712, WARD 4, NEIGHBORHOOD 20.03, REQUEST BY STEPHEN W. THOMPSON, NAJMY THOMPSON, P.L., AGENT, FOR NEXT GENERATION DEVELOPMENT LLC, OWNER, FOR THE LASTRA PRELIMINARY PLANNED DEVELOPMENT PROJECT APPLICATION CONSISTING OF 12 DETACHED SINGLE FAMILY DWELLINGS AND 172 2-STORY ATTACHED SINGLE FAMILY DWELLINGS (TOWNHOMES) ON THE 30.69 ACRE SITE LOCATED AT 4915 1ST AVENUE EAST, VACATED LOT 16: 119 SAN LORENZO COURT, VACATED LOT 17: 123 SAN LORENZO COURT, TRACT F: COTTAGES AT SAN LORENZO, SAN ORTEBELLO DRIVE. AMENDING THE ZONING ATLAS FROM R-1, RESIDENTIAL SINGLE FAMILY TO PDP, PLANNED DEVELOPMENT PROJECT; PARCEL IDENTIFICATION NUMBERS: 1100800159, 1100701809, 1100701859, 1100706209.

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

Christopher Gratz, Development Services / Zoning Manager, gave a PowerPoint presentation of the modifications which had been made to the Planned Development Project now to be composed of 12 detached single family homes and 172 two-story attached single family homes (townhomes) on 30 acres. Previously, some additional lots within San Casciano had been vacated to provide access to the proposed development with a stipulation that the roadway not be used for construction access. The developers had devised two ingress/egress points through San Casciano and including a one-way in access on 1st Avenue East. This brought up the issue of construction; Staff and Planning Commission recommended that construction traffic use 1st Avenue East with a safety plan to be devised by Public Works. This would lessen the impact on the existing neighborhood.

Mr. Gratz cited some further details of the proposed plan: 4' sidewalk on one side rather than 5' as required by Code; high school capacity not currently able to accommodate; some wetlands on property had required a conservation easement and SWFWMD approval; setback requirements limit height to 2 stories; and some landscaping changes must be made to include less trees to ensure their survival. It does meet land use compatibility and will fit in with and maintain the privacy of the currently existing neighborhood.

It was recommended by Staff that, to exceed standards of Land Use regulations, sidewalks be placed on both sides. Both the developer and the Planning Commission had disagreed with that. They otherwise exceed the standards of open space, recreation, and parking.

He gave the Staff and Planning Commission recommendations for approval with differing stipulations:

STAFF RECOMMENDATION:

APPROVAL of PR.15.4712 Lastra PDP with the following stipulation(s):

1. Only water retention areas, recreation areas or detached single family dwellings may be constructed on the western boundary adjacent to San Casciano.
2. The final PDP shall be consistent with Preliminary PDP, with the approval being for:
 - a. No less than 12 detached single family dwellings with the following minimum setbacks:
 - b. 15 foot front, 15 foot corner, 10 foot rear, six (6) foot side, five (5) foot rear and side for a pool and screen enclosures with a screen roof.
 - c. No more than 172 attached single family dwellings with the following minimum setbacks:
 - d. 15 foot front, 15 foot corner, 10 foot rear, 15 feet between buildings.
 - e. No building shall be taller than two (2) stories in height.
3. The landscape buffers shall be no less than the following:
 - a. 15 feet on the entire western boundary.
 - b. 25 feet on the north and south boundaries accept where adjacent to wetlands that are not being disturbed.
 - c. 25 feet on the eastern wetland.
4. Provide five (5) foot sidewalks with a three (3) foot grass strip, and street trees on both sides of every street with

a design that does not place any tree closer than ten feet (five feet with a root barrier) to any utility owned and operated by the City of Bradenton Public Works Department.

5. The landscape plan shall be revised prior to issuance of a Site Improvement Permit so that the spacing and placement of all plants is adequate and appropriate for the typical size, shape and habit of the plant species at maturity in accordance with University of Florida recommendations. All costs for tree mitigation shall be paid before a Site Development Permit to clear the land is issued.

PLANNING COMMISSION RECOMMENDATION: August 10, 2016

1. Only water retention areas, recreation areas or detached single family dwellings may be constructed on the western boundary adjacent to San Casciano.
2. The final PDP shall be consistent with Preliminary PDP, with the approval being for:
No less than 12 detached single family dwellings with the following minimum setbacks:
15 foot front, 15 foot corner, 10 foot rear, six (6) foot side, five (5) foot rear and side for a pool and screen enclosures with a screen roof.
No more than 172 attached single family dwellings with the following minimum setbacks:
15 foot front, 15 foot corner, 10 foot rear, 15 feet between buildings.
No building shall be taller than two (2) stories in height.
3. The landscape buffers shall be no less than the following:
15 feet on the entire western boundary.
25 feet on the north and south boundaries accept where adjacent to wetlands that are not being disturbed.
25 feet on the eastern wetland.
4. Provide five (5) foot sidewalks with a three (3) foot grass strip, and street trees on one (1) side of every street with a design that does not place any tree closer than ten feet (five feet with a City approved root barrier) to any utility owned and operated by the City of Bradenton Public Works Department.
5. The landscape plan shall be revised prior to issuance of a Site Improvement Permit so that the spacing and placement of all plants is adequate and appropriate for the typical size, shape and habit of the plant species at maturity in accordance with University of Florida recommendations. All costs for tree mitigation shall be paid before a Site Development Permit to clear the land is issued.
6. The drainage for the vacated San Casciano Lots 16 and 17 is to be re-evaluated for approval by the Public Works Department with the construction plans.
7. The section of 1st Avenue East extending into 48th Street Court East that it is privately owned is to be dedicated to the City within the right of way lines of 48th Street Court East with the plat.
8. The access and utility easement for the Water tower parcel purchased by the developer needs to be verified that it runs with the land and is to be carried over with the plat.
9. The contractor is to submit a construction safety plan for the Public Works Department's review and approval to exclusively utilize 1st Avenue East as the construction entrance and exit prior to issuance of any Site Improvement Permits.

Vice Mayor Gallo inquired about sidewalks in the other developments constructed on 48th Street East. Mr. Gratz stated that those developments had 4' sidewalks on one side. Mr. Gallo asked why Staff felt this development should have sidewalks on both sides. Mr. Gratz stated that the Code proposed exceeding the requirements, so providing sidewalks on both sides would do that. Councilman Roff asked which of the two recommendations would be followed, Staff's or Planning Commission's. Catherine Hartley stated that the recommendations of the Planning Commission would be followed.

Stephen Thompson, Najmy Thompson, agent, representing the applicant and accompanied by Brett Decklever & Ralph Rhodes, developers, gave an overview of the history of this development and how it had become a superior project due to input gleaned from residents of the surrounding neighborhoods and work done with the Planning Staff. A plan for construction traffic had alleviated many of the concerns of the current residents. It now afforded improved access, compatibility, green space, recreational opportunities, and greater overall attractiveness. Mr. Thompson stated that a 5' sidewalk on one side would also be accommodated. It was anticipated that the project would require 3-4 years to complete.

He gave an overview of the previously existing ingress/egress issues and how the developers had attempted to alleviate the problems through the vacation of two properties and devising of a one-way in, one way out plan for construction traffic. Mr. Thompson requested that the project be approved with Stipulation 9 removed which required flagmen to direct all

construction traffic due to the enormous expense and potential for increased danger. He felt that the proposed use of 1st Avenue was a better way to manage the construction traffic.

Discussion: Potential disadvantages of use of flagmen; construction of a 12' wide paved roadway access; education of homeowners; work needed to reduce traffic utilizing reasonable construction plan devised by Public Works.

Mr. Callahan reminded everyone this was just a first reading with 2 weeks' time left for the developer to discuss traffic flow specifics with Public Works.

The Public Hearing was closed.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2988 AND SET THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 28, 2016 was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.

ORDINANCE 2989 FIRST READING & PUBLIC HEARING

LU.16.1180 FORM-BASED CODE AMENDMENTS: REQUEST OF THE CITY OF BRADENTON TO AMEND SEVERAL PARTS OF THE CITY OF BRADENTON FORM-BASED CODE.

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

Catherine Hartley, Planning and Community Development Director, stated these were small matters that she had noted when she became the Director which had involved needed minor clean-ups of language. Included among the changes was an allowance for non-drought resistant lawns and clarification regarding religious assemblies in T-zones. She referenced a procedural problem that had arisen with a previous special use request which had needed to be adjusted. The passage of this amendment would add language clarification and prevent such complications.

Chris Gratz, gave a PowerPoint presentation of the various proposed changes. He stated that specific things not covered by Form Based Code would fall under Land Use Regulations.

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

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2989 AND SET THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 28, 2016 was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL

City Administrator Carl Callahan

Public Works Union Article – Mr. Callahan stated this was a Memo of Understanding which needed to be included in the union contract relating to hours of work around a holiday and shift work associated with that.

Vice Mayor Gallo stated that Manatee County required their employees to take vacation days if weather events were deemed unsafe and County offices were closed. Mr. Callahan said the City considered it a work day because who was or was not exempt caused much complication. Safety and welfare of the employees was priority, but if Public Works people continued to work, it was felt that office workers should be present unless and until deemed otherwise.

MOTION TO APPROVE THE PUBLIC WORKS UNION MEMO OF UNDERSTANDING IN THE AFSCME CONTRACT was made by Vice Mayor Gallo, seconded by Councilman Brown, and approved 5:0.

Interlocal Agreements – Mr. Callahan presented interlocal agreements between Manatee County and the City regarding the responsibilities for the County Administration Center and the Judicial Center parking garages. Because the agreements had originally been executed by the DDA, Mr. Lisch advised that the agreements be approved by both the City Council and again by the Council CRA Board. Mr. Callahan went on to say that this agreement terminated the interlocal agreement to return the tax dollars to the County through 2017, and provided that the City would assume responsibility for the Judicial Center two years earlier than planned. The County had approved the agreements yesterday. The City would continue to

service the Administration parking garage on a year-to-year basis.

MOTION TO APPROVE INTERLOCAL AGREEMENTS BETWEEN MANATEE COUNTY AND THE CITY OF BRADENTON FOR THE DOWNTOWN PARKING GARAGES was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

McKechnie Field Scoreboard - Also yesterday, Manatee County had approved the use of Tourist Development Council funds up to \$1 million for a new scoreboard at McKechnie Field. Said funds were specifically designed for such use and would not take away from any other projects. Mr. Callahan requested approval for the Mayor to execute the interlocal agreement with Manatee County.

MOTION TO APPROVE THE ACCEPTANCE OF THE COUNTY'S AUTHORIZATION OF USE OF TDC FUNDS for a new scoreboard at McKechnie Field was made by Councilman Brown, seconded by Councilman Byrd, and approved 4:0. (*Vice Mayor Gallo had stepped out.*)

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Vice Mayor Gene Gallo, Ward I – Nothing to report.

Councilman Gene Brown, Ward II – Councilman Brown commended everyone for the excellent handling of Tropical Storm Hermine storm-related issues, including flooding problems and distribution of sandbags.

Councilman Patrick Roff, Ward III – Councilman Roff congratulated the Village of the Arts artists for completing the mural on 13th Avenue in honor of Herbie Rose who had become ill and had not been able to finish the mural he had begun. Mr. Roff said he had attended the Village's first-ever neighborhood clean-up under *Keep America Beautiful* under *Keep Manatee Beautiful*. He said the unity of the Village has only become better and stronger. Mr. Roff said he had also attended the Sarasota Economic Development Council's annual meeting last Friday. On Monday, he would be attending the Tampa Bay Regional Planning Council's first-ever Tampa Bay Comprehensive Development Strategy symposium. Councilman Roff said he has much information which will be able to be put to use for economic development.

Mayor Poston mentioned a problem which had occurred in which a nationally-known roofing company had wanted to place its headquarters in Sarasota, but had been rejected at the government level causing much consternation to the Sarasota EDC. He said it was a case which showed how best efforts don't always work.

Councilman Bemis Smith, Ward IV – Councilman Smith asked everyone to keep the Atwood family in their thoughts and prayers as they struggled with a significant illness.

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

Mayor Wayne Poston – Mayor Poston said the 9/11 Memorial Ceremony which had been observed on Monday had been well attended and poignant.

DEPARTMENT HEAD REPORTS

Carl Callahan: Nothing to report.

Catherine Hartley: Ms. Hartley reported that she had been involved in the 2017 Florida Chapter of the American Planning Association Annual Conference which had been held last week in Tampa. During the conference, a mobile tour of Bradenton's Old Main Street and the Riverwalk had been done. Feedback had been overwhelming and Bradenton was considered a bench mark city which the DOT secretary wanted to use as a model.

Chief Edwards: Nothing to report.

Chief Bevan: Chief Bevan stated that, while at an event on Saturday night, she had met briefly with **US Attorney, Mid-Florida, Lee Bentley**, who had worked with homicide cases which had occurred over the course of several years within Manatee County and Bradenton and had won six convictions. He had nothing but the highest praise for the work done by the Manatee County Homicide Task Force in which several members of the Bradenton Police Department serve.

Jim McLellan: Mr. McLellan reported that during TS Hermine, there had been 3 reportable spill events which had been reported to the Department of Environmental Protection:

1. Outlet pipe from the treatment plant had been overwhelmed by the huge amount of water for such a prolonged time at the headwork structure.
2. Lift Station #2 on Riverside Drive – Due to pumping for 72 hours, the thermal switches had overheated and shut the pumps down. Due to the extreme overheating, the switches had to be replaced because they had fused.
3. Lift Station #7 at 8th Ave. Bridge adjacent to Ware’s Creek - Ahead of the storm, all pumps are pulled to “de-rag” them in preparation for the storm. While pulling a pump, the handle broke and was sucked into another pump. An emergency bypass had been set up, but the fuel had run out during the night. He said that four or five 55-gallon barrels of rags, diapers of all sizes, disposable wipes, etc. which clog the system, have been removed.

In summary, the average daily flow to the lift stations was normally 5 ½ million gallons of water; during the storm, the equipment had handled 35 million gallons – which was an unprecedented event never before seen. Mr. McLellan praised the lift station staff who had visited all 62 lift stations, each more than once during the storm.

He said that the process of identifying sewer pipes which were permitting seepage of groundwater into the drainage system was ongoing to help pinpoint crucial areas for replacement. Lastly, he said that over 2,000 sandbags had been distributed. Going forward, east and west side distribution centers would be established for easier access by citizens.

Councilman Roff said that both staff and the Ware’s Creek flood control project had performed superbly during this 100-year storm. He took issue with the report done by the Bradenton Herald stating the flood control project hadn’t worked.

Bill Lisch: According to reports from other areas, Mr. Lisch agreed that the City of Bradenton had handled the storm as well or better than any other entity.

There being no further business, Mayor Poston adjourned the meeting at 10:34 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.