

CITY OF BRADENTON
CITY COUNCIL MEETING
October 12, 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, October 12, 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; David Ezell, Deputy Fire Chief; Melanie Bevan, Police Chief; Jim McLellan, Public Works & Utilities Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by **Councilman Harold Byrd, Jr.**
(The City does not endorse the religious beliefs of any speaker.)

The Pledge of Allegiance was led by Mayor Poston.

Deputy Chief Ezell was substituting for Chief Edwards who was out with an excused absence.

PROCLAMATIONS: Red Ribbon Week – Oct. 23-31, 2016

The proclamation was accepted by **Andrew Hartman, Project Director of Drug-Free Manatee**, who thanked everyone, specifically Bradenton Police Department's **Assistant Chief Josh Cramer**, for supporting the fight against alcohol and drug related deaths. He invited all to attend the **2016 Champions of Prevention Breakfast** which would be held at Pirate City on Oct. 25, 2016.

PRESENTATIONS: None.

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

CITIZEN COMMENTS:

Mike Meehan, 1507 80th St. N.W., came forward to request that the City clean up overgrown and unsightly areas on the Causeway and in the medians on Manatee Avenue west of 75th Street West. He also urged that sidewalks be installed along 26th Street West for pedestrian and bicyclist safety. Jim McLellan, Public Works Director, stated that the majority of 26th Street is County maintained, but he said he would share Mr. Meehan's comments with the County's Public Works Department. Mayor Poston said that long ago, the County had determined that buying the rights-of-way to install sidewalks on 26th Street was too expensive, so the project had been abandoned. Both Mr. Meehan and the mayor agreed it should be revisited by the County.

Aaron Thomas, attorney, Najmy-Thompson, representing Next-Gen Development on the LASTRA PDP, referenced a letter previously sent to Council. The project had been approved by Council on September 28th with a stipulation that 1st Avenue East be used as the sole ingress/egress access for construction traffic. He gave an overview of the problems they had encountered regarding the restriction of construction access to 1st Avenue East and requiring flagmen. He requested that Council reconsider that restriction.

Catherine Hartley clarified that the use of flagmen had not been a stipulation.

Councilman Smith stated the approval had been with the requirement that the developer work with the Public Works Department to determine a safe traffic plan. He felt that City Council was reasonable to developers as well as in protecting citizen safety. He asked that there be a review by the Public Works staff to make a reasonable assessment.

Mr. Lisch said that if Council opted for reconsideration, all affected parties would need to be notified of when new information would be presented.

No motion was made for reconsideration.

CONSENT AGENDA

- A. Request by Bart De Bruijn, agent for Back Bay Preserve Development, LLC, owner, for a one-year extension of time including reservation of capacity in public facilities, for PDP PR.07.0035.
- B. Interim Budget Adjustments – FY 2016.
- C. Minutes: Sept. 7 Special City Council meeting.
- D. Minutes: Sept. 7 First Budget meeting.
- E. Minutes: Sept. 21 Final Budget meeting.
- F. Public Event: YMCA's Healthy Kids Day on April 22 at Riverwalk.
- G. 2017 City holidays and Council meeting dates.
- H. Agreement between BPD and School District's Adult, Career & Technical Education Dept. for Manatee Tech's Firing Range repairs.
- I. End User Agreement for consulting services for all hazards preparedness, planning, consulting and recovery services through the HGAC contract.
- J. Instruments and Controls – Maintenance, calibration and repair contract with Central Florida Controls.
- K. IAFF Contract Approval – Supervisory Unit and Rank & File Unit from 10/1/16 through 9/30/19.

MOTION TO APPROVE CONSENT AGENDA ITEMS A-K was made by Vice Mayor Gallo, seconded by Councilman Brown, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

SU.16.3325, WARD 2, NEIGHBORHOOD 12.02 PUBLIC HEARING

Request by Caleb J. Grimes of Grimes Goebel Grimes Hawkins Gladfelter & Galvano, P.L., agent, for Jeffery T. Boyd, owner, for a Special Use Permit to replace and extend a dock into the Manatee River, add a boat lift, and a trellis (superstructure), for the property located at 2816 Riverview Boulevard, zoned R-1, Residential Single Family; Parcel Identification Number: 3473100109.

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

Myra Swartz, Senior Planner, gave the staff report on the existing dock which was in need of repair. A prior application had been approved in 2012, but the dock had not been built at that time.

A Special Use Permit was required for three reasons:

1. The requested 202-foot dock length exceeded the 80-foot maximum required by LUR's, required to reach navigable waters.
2. The west setback at 7 feet, exceeds the 10-foot setback required by LUR's, allowing the applicant to use the existing footprint, thus minimizing impact to the submerged lands.
3. The applicant requested a trellis to cover the pier at the end of the dock and this is technically a "superstructure." A superstructure on a dock requires a Special Use Permit.

Stipulations:

1. Lighting must include a manual or automatic switch to prevent lights from continuous operation.
2. The dock must be kept in good working order and condition to not degrade the value of nearby properties.

At this time, all necessary state applications were in place and a letter of concurrency from the affected neighbor (required by the FDEP) had been received.

Darenda Marvin, attorney, Grimes Goebel, representing the applicant, clarified that the code does not only allow 80 feet of dock, but rather that the process of requesting a special use was necessary for a dock longer than 80 feet.

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

Vice Mayor Gallo asked to publicly make known that Darenda Marvin was his daughter. He asked Bill Lisch, City Attorney, on a point of clarification about whether or not it was a conflict of interest for him to vote on any item in which his daughter was involved. Mr. Lisch stated that Ms. Marvin's salary was not dependent upon the outcome of this decision. Further, if there was no prohibitive conflict of interest, the law required a Councilman to vote.

Councilman Roff noted that in an aerial view, the subject dock was in line with the other currently existing docks.

MOTION TO APPROVE SU.16.3325 WITH TWO STIPULATIONS was made by Councilman Brown, seconded by Councilman Byrd, and approved 5:0.

RESOLUTION 16-51 PUBLIC HEARING

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT AMONG THE CITY OF BRADENTON, FLORIDA, ORANGE COUNTY HEALTH FACILITIES AUTHORITY, THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AND CITY OF ST. PETERSBURG HEALTH FACILITIES AUTHORITY PURSUANT TO WHICH THE ORANGE COUNTY HEALTH FACILITIES AUTHORITY IS AUTHORIZED TO ISSUE ITS REVENUE BONDS FOR THE BENEFIT OF PRESBYTERIAN RETIREMENT COMMUNITIES, INC. AND CERTAIN OTHER CORPORATIONS AFFILIATED WITH IT; GRANTING HOST COMMUNITY APPROVAL PURSUANT TO THE INTERNAL REVENUE CODE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan said that this bond was consistent with historical bonds, and this agreement would protect the city from any legal liability or legal fees should something go wrong with the bonds.

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

Those opposed were invited to come forward. None came.

The Public Hearing was closed.

Councilman Roff inquired about the amount listed of \$170,000,000. Mr. Callahan said the City was only an accommodating part of the bond for the full amount, but there was no liability or responsibility for any payments. Vice Mayor Gallo asked if the City's bond rating would be affected should the project fail, and the answer was a definitive no.

MOTION TO APPROVE RESOLUTION 16-51 was made by Vice Mayor Gallo, seconded by Councilman Brown, and approved 5:0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL

City Administrator Carl Callahan

RESOLUTION 16-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING THE STATE HOUSING INITIATIVE PARTNERSHIP MULTIFAMILY RESIDENTIAL PROJECT FUNDING AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan explained that this resolution would match funding via SHIP funds in the amount of \$37,500 for a project on 27th Street East known as Jacaranda Terrace if the developer was able to obtain tax credits.

MOTION TO APPROVE RESOLUTION 16-52 was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

Players Point Development Agreement

Mr. Callahan said the agreement memorialized the terms accurately:

- 8 stories – 130 units
- Start/Stop Terms regarding TIF payments
- Real property taxes, not personal
- Still hoping for new market tax credits – City would assist in finding funding sources
- Lays out parking easement – 100 spaces on northern end of City Centre parking lot or within a garage
- City of Bradenton CRA was the approving entity, no longer the DDA

Will Robinson, attorney, representing Players' Point Development, stated they had been working diligently since having been approved in January and were making great progress: real estate contract had been signed, basic real estate due diligence had been done (title, survey, environmental testing), and they were working hard with Staff to obtain a permit for the hotel. This agreement was a key contingency which required formal approval in order to close this transaction.

On behalf of an individual who had inquired, Councilman Roff asked for confirmation that the City had done no wrong and did not have to put out RFP's for this project. Bill Lisch, City Attorney, confirmed that everything had been done legally as the Players had relocated voluntarily, and the City had been approached with a good project that fit in with Form Based Code.

MOTION TO APPROVE THE PLAYERS' POINT DEVELOPMENT AGREEMENT was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

The meeting was temporarily adjourned at 9:15 a.m. to conduct the City of Bradenton Community Redevelopment Agency meeting. The CRA meeting was adjourned at 9:38 a.m. by Chairman Harold Byrd, Jr.

Mayor Poston reopened the City Council meeting at 9:38 a.m.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Mayor Wayne Poston - Mayor Poston sadly reported the passing of **Walter Preston**, a long-time prominent businessman in the field of agriculture as well as an active member of the community. Mayor Poston congratulated and thanked **BPD Officer Jason Nuttall**, who had reached out to a homeless family above and beyond the call of duty. Mayor Poston proclaimed him a real hometown hero.

Vice Mayor Gene Gallo, Ward I – Mr. Gallo expressed his sincere sympathies and personal loss in the passing of **Walter Preston** and shared a private memory of him. He also noted the passing of one of his former business partners, **Harry Bell**, who had been invested into the area's mobile home industry.

Councilman Gene Brown, Ward II – Councilman Brown also contributed his condolences to the **Preston** and **Bell** families, both beloved members of the community who would be greatly missed. Mr. Brown commended Ward II in which one of the first shelters had been opened during Hurricane Matthew and had accommodated individuals who had evacuated from the east coast. Lastly, he addressed Mr. Meehan's concerns about beautification and said he had just done a tour with Public Works Director, Jim McLellan, to review and discuss maintenance plans for properties within the City limits.

Councilman Patrick Roff, Ward III – Councilman Roff reported that he had just completed the **Adopt-A-Shore Cleanup** of Ware's Creek which had been well-attended by many school students. Channel 7 had been on site and had conducted interviews.

Councilman Bemis Smith, Ward IV – Councilman Smith expressed his sympathies to the **Preston family** which had made a big impact on agriculture in Manatee County. Mr. Smith stated he wanted to follow up with Mr. McLellan on posting signs prohibiting fishing on Riverside Drive between 18th-22nd Streets to prevent the problems of fishermen leaving trash being left behind which the neighborhood has been experiencing.

Councilman Harold Byrd, Jr., Ward V – Mr. Byrd echoed the sympathies and prayers for the **Preston** and **Bell** families.

DEPARTMENT HEAD REPORTS

Carl Callahan: Mr. Callahan thanked the representatives of IAFF and Council for finalizing and approving a 3-year contract which had been worked out with the good of the City in mind. The police contract was now in negotiation.

Catherine Hartley: Ms. Hartley reported that a new City Planner had been hired who was relocating from North Carolina and would begin on November 7th. She said the Planning Department has been extremely busy and technology had been updated for inspectors to utilize laptops in the field while some Munis apps are undergoing testing to see if they could work for Code Enforcement purposes.

Deputy Chief Ezell: DC Ezell was happy to report that **Firefighter Joe Baker** would soon be safely returning home from Afghanistan.

Chief Bevan: Chief Bevan stated that the 3rd “*Coffee with a Cop Day*” would be held this Friday at McDonald’s on Cortez. She also said that a new initiative entitled “*Walkin’ the Beat*” had just had a soft rollout to increase connections between the police and the community. Officer Nuttall would be on one of the inaugural test cases and all personnel, including her, would participate. By request of the detectives, Chief Bevan had also ordered a supply of footballs, soccer balls, etc., to increase engagement. Tracking options were being explored to obtain results of the initiatives.

Mayor Poston said that he and **Pastor Don Sturiano, police chaplain**, had just been featured on the Christian Television Network and METV to promote two programs prior to the start of the holiday season:

1. “**Honoring the Badge**” – a program in which donations are used by the police to take young people from less fortunate families to Toys ‘R Us to select a free Christmas gift
2. “**Mayors’ Feed the Hungry Program**” – a program of all the mayors in Manatee County, in conjunction with Publix Supermarkets, to support the local food banks during the holiday season.

Jim McLellan - Mr. McLellan reported the following:

1. Over the past few weeks, a couple of reportable spills from a sewer manhole on 22nd Avenue had occurred. City crews had located the blockage, removed it, and had drained the whole system so no further issues were anticipated.
2. Relating to the concern about median maintenance, a new Landscape & Grounds superintendent had been hired and would begin on October 24th. One of his first orders of business would be to develop a plan of attack to address maintenance needs.
3. Within L & G, promotions had been made which were anticipated to create an excellent team.

On behalf of a question that had been posed by a resident in the Village of the Arts, Councilman Roff asked Mr. McLellan about the replacement of the light poles. Mr. McLellan stated that 53 new poles had been purchased and a contract had been finalized for installation. A pre-construction meeting was being coordinated to get the process started. Painting of the poles would be done following the installation. Mr. Roff summarized that this was a big improvement project which involved much more than new light poles but was instead a comprehensive lighting program. He hoped the message would get out to the citizens more effectively.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 10:02 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.