

CITY OF BRADENTON

CITY COUNCIL MEETING

December 17, 2014

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, December 17, 2014.

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

City Officials: Carl Callahan, City Clerk & Treasurer/Chief of Staff; Chuck Edwards, Fire Chief; Tim Polk, Department of Planning & Community Development Director; Claude Tankersley, Public Works & Utilities Director; William Fowler, Police Captain; and Bill Lisch, City Attorney.

The pre-meeting invocation was given by Pastor Don Sturiano, Kingdom Life Christian Church.

(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.

Police Chief, Michael Radzilowski, was out with an excused absence.

PROCLAMATIONS: None.

PRESENTATIONS: None.

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

CITIZEN COMMENTS:

Jane Plitt, 1612 Point Pleasant Ave. W., expressed her concern that Form Based Code had allowed for the construction of a residence which was very out of character within the existing neighborhood. She requested that Council modify the Form Based Code requirements regarding setbacks and home sizes. Tim Polk, Planning & Community Development Director, stated that the setback requirements would be reviewed. He added that this specific incident had been the result of an oversight.

CONSENT AGENDA:

a) Minutes: City Council special meeting of Dec. 10. b) Minutes: City Council meeting of Nov. 19. c) Minutes: City Council meeting of Oct. 8. d) Budget Adjustment – Solid Waste Division. e) Year End Budget Adjustments. f) Request to use Forfeiture Funds for police equipment. g) Contract Proposal – Central Florida Landscaping Inc. h) Public Event: The Boardr skateboard competition on Feb. 28 at the Riverwalk skatepark. i) Public Event: Dragon Boat Festival on March 21 at Riverwalk. j) Public Event: Grind For Life on October 10 at Riverwalk skatepark. k) Resolution 14-48: CDBG 2013-14 Consolidated Annual Performance Report. l) Resolution 14-49: Reappointing Richard Coury as Code Enforcement Board alternate. m) Resolution 14-50: Reappointing Rachel Layton to the Architectural Review Board. n) Resolution 14-51: Housing rehabilitation contract. o) Resolution 14-52: Reappointing Ingrid McClellan and Frank Solinko to the Tree Board. p) Resolution 14-53: Reappointing Janelle Esposito and Mark Hegedus to the Enterprise Zone Board. q) Resolution 14-54: Reappointing Mike Carter and Gregory Green to the Downtown Development Authority. r) Resolution 14-55: Reappointing Lawrence Covins II and Tom Woods to the Fire Pension Board. s) Resolution 14-56: Mileage Reimbursement Rate increase.

MOTION TO APPROVE Consent Agenda Items A-S was made by Vice Mayor/Councilman Smith, seconded by Councilman Roff, and approved 5:0. City Council Minutes – 12/17/14 - R. Raymond Page

**BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS – None.
NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND CITY COUNCIL
SU.14.0841 WARD 4 NEIGHBORHOOD 20.04 PUBLIC HEARING**

Request of Duncan Seawall, agent for Paul Grivas, owner, to extend a dock into Manatee River for the exclusive use of 106 9th St. E. (zoned T4-Open).

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

Paul Grivas, 314 72nd St. NW, stated he was going to build a new home on the site and requested permission to also construct a dock where one had formerly been located. He agreed to meet all requirements which had been outlined by the Planning Commission & Staff as well as those required by the Department of Environmental Protection.

Vice Mayor/Councilman Smith requested that the dock be built in conjunction with the house. He further stated that he would like to add a stipulation to any motion for approval to include the fact that Mr. Grivas understood that the City may, at some time, utilize the adjacent property to extend Riverwalk Park.

Mr. Grivas agreed to the construction timeline and said he welcomed the expansion of Riverwalk.

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

Tim Polk, Planning and Community Development Director, gave the Staff and Planning Commission recommendations for approval with stipulations:

STAFF RECOMMENDATION:

APPROVAL of SU.14.0841 with the following stipulations:

1. Provide DEP/SFWMD letter of exemption. APPLICANT SUBMITTED DEP DOCUMENTATION ON 11/19/14. THIS STIPULATION HAS BEEN SATISFIED AND ELIMINATED.
2. Dock cannot be attached to the seawall.
3. No construction on City ROW between owner's parcel and seawall.
4. No electrical access through City ROW.
5. No storing of fuel on dock.
6. Provide gate on dock to restrict public access.
7. Provide signage indicating dock is private property.

PLANNING COMMISSION RECOMMENDATION (December 10, 2014):

1. Dock cannot be attached to the seawall.
2. No construction on City ROW between owner's parcel and seawall.
3. No electrical access through City ROW.
4. No storing of fuel on dock.
5. Provide gate on dock to restrict public access.
6. Provide signage indicating dock is private property.

MOTION TO APPROVE SU.14.0841 WITH STIPULATIONS was made by Vice Mayor/Councilman Smith, who requested that Stipulation #3 be changed to allow for administrative approval if the owner desired electrical service to the dock through the right-of-way, that the house and dock be constructed simultaneously, and that as a right-of-way, the adjacent land could be used by the City to expand Riverwalk Park, was seconded by Councilman Roff, and approved 5:0.

SU.14.00119 WARD 5 NEIGHBORHOOD 7.03 PUBLIC HEARING

Request of Sage Bradenton LLC, agent for Central Plaza South LLC, owner, for Special Use approval to establish a Warehouse/Distribution/Office use at 702 9th Street East (zoned T4-Open).

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

Jody Shirley, 1180 Ponce de Leon, Clearwater, representing Sage, came forward to answer any questions posed regarding the proposed Retail Front and Distribution Center for Flowers Baking Company. City Council Minutes – 12/17/14 - R. Raymond Page 3 of 4

Vice Mayor/Councilman Smith inquired about the density and intensity of truck traffic in the area and about the building construction. Ms. Shirley stated that only smaller box trucks are used and that the building would be of concrete construction.

Councilman Byrd made mention of the job creation and retail opportunity. Councilman Roff added that the discounted products would be well received in the neighborhood.

The Public Hearing was opened to those in opposition. None came forward. The Public Hearing was closed.

Tim Polk, Planning & Community Development Director, gave the Staff and Planning Commission recommendation for approval with stipulations.

STAFF RECOMMENDATION:

APPROVAL of SU.14.00119 with the following stipulations:

1. Manatee County right-of-way use permit is required for drainage onto 9th Street East.
2. FDOT right-of-way use permit is required for drainage onto 6th Avenue East.
3. Fire sprinklers are required.
4. 65 foot setback off 9th Street East is permitted due to the industrial nature of use.
5. Must conform to T4-O zoning district's architectural, landscape, and signage requirements.

PLANNING COMMISSION RECOMMENDATION (November 12, 2014):

APPROVAL of SU.14.00119 with the following stipulations:

1. Manatee County right-of-way use permit is required for drainage onto 9th Street East.
2. FDOT right-of-way use permit is required for drainage onto 6th Avenue East.
3. Fire sprinklers are required.
4. 65 foot setback off 9th Street East is permitted due to the industrial nature of use.
5. Must conform to T4-O zoning district's architectural, landscape, and signage requirements.

MOTION TO APPROVE SU.14.00119 WITH STIPULATIONS was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

RESOLUTION 14-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADDING TO THE DUTIES OF THE CITY CLERK THAT OF CHIEF ADMINISTRATIVE OFFICER; SETTING FORTH THE GENERAL PURPOSE OF THE POSITION, ESSENTIAL DUTIES AND RESPONSIBILITIES; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 14-57 was made by Councilman Gallo, seconded by Councilman Roff, and approved 5:0.

BUSINESS BY APPOINTMENT - None.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Councilman Gallo saluted the last Council meeting of 2014 and wished his constituents, colleagues, and friends a very Merry Christmas.

Councilman Gene Brown, Ward II: Also extended holiday greetings to all and expressed his hopes that the City would continue its excellent progress. He thanked the Del Couch Foundation for presenting "*Sounds of the Season*," a very successful, first-time holiday event.

Councilman Patrick Roff, Ward III: Announced that he had been selected as the Secretary/Treasurer for the Tampa Bay Regional Planning Council, and extended happy holiday wishes to all.

Vice Mayor/Councilman Bemis Smith, Ward IV: Reiterated the sentiment to all for happy holidays and gave a special thanks to Claude Tankersley and the Solid Waste Department for stepping in to assist a citizen in need and maintaining the Friendly City atmosphere. City Council Minutes – 12/17/14 - R.

Councilman Harold Byrd, Jr.: Offered his congratulations to Councilman Roff on his appointment as Secretary/Treasurer to the TBRPC and wished all warm season's greetings. He offered his condolences and prayers to the family of a teen who had been recently killed in a shooting. He called for more full implementation of the nuisance abatement ordinance in similarly troubled situations. Lastly, he said that in 2015, any problems or concerns which had arisen about Form Based Code could be reviewed and tweaked.

Mayor Wayne Poston: Mayor Poston thanked **Realize Bradenton** for once again having put on an extremely successful **Blues Festival**. He wished happy holidays to all.

DEPARTMENT HEADS

Carl Callahan: Reminded everyone that the swearing-in ceremony for elected officials would be held at 9:00 a.m. on Tuesday, January 6th. Mr. Callahan offered sympathies to the family of Bill Swan, long-time member of the Tree Board. He announced that "*Michelangelo/DaVinci Side by Side*" would be opening in the Bradenton Municipal Auditorium prior to Christmas. Lastly, Mr. Callahan thanked everyone for the vote of confidence in expanding his duties.

Chief Edwards: Invited everyone to join BFD tomorrow at **Children's Haven** for a Christmas lunch and distribution of gifts.

Lieutenant Fowler: Stated that the 7th annual "**Honoring the Badge**" event had been held last night at Toys R Us and had been very successful. He thanked Pastor Don Sturiano, Kingdom Life Christian Church, and BPD Chaplain, for his assistance in the event. Mayor Poston said that \$5000 had been raised in private funds to provide toys for needy children, and another \$1500 was obtained at the last minute to accommodate the larger than expected crowd.

Claude Tankersley: Said that due to a series of delays, the street repaving which needed to be done following the bridge and watermain replacements would not begin until after the beginning of the year. Resident notification would be done on a door-to-door basis. Councilman Roff requested that all of the loose gravel left at the watermain replacement site be cleaned up to prevent temptation. Mr. Tankersley said that at an upcoming workshop in 2015, he would like to review the upcoming replacement projects and paving plans.

Tim Polk: Invited everyone to attend the grand opening of **Wawa** at 10:00 tomorrow and the CCRA's "**Touch a Truck**" event to be held for youth from 11:00-3:00 on Saturday at the 13th Avenue West site, the site of the future Rodgers Plaza. He wished everyone a Merry Christmas and Happy New Year.

Bill Lisch: Merry Christmas & Happy New Year!

There being no further business, Mayor Poston adjourned the meeting at 9:45 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