

CITY OF BRADENTON
CITY COUNCIL MEETING
June 12, 2013
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, June 12, 2013.

Present: Mayor Wayne Poston; Councilman Ward II Gene Brown; Councilman Ward III Patrick Roff; and Councilman Ward V Harold Byrd, Jr.

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

The meeting was called to order by Mayor Poston. Xavier Bailey assisted as Mayor for the Day.

Vice Mayor/Councilman Gene Gallo and Councilman Smith were absent.

PROCLAMATIONS:

Code Enforcement Officers' Appreciation Week – June 10-14, 2013

The proclamation was accepted by Tim Polk, Planning & Community Development Director, and Volker Reiss, Code Enforcement Manager, while accompanied by the Code Enforcement Staff: Barbara Hogan, Mark Runnals, Jose Lebron, and Kimberly Murphy. Code Enforcement Officer Cheryl Landers was out on leave.

PRESENTATIONS: None.

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

CITIZEN COMMENTS:

J. Clifford Curley, 1616 Point Pleasant Ave. W., addressed Council with his concerns about the live aboard boats currently moored in the Manatee River in front of his residence. He cited noise, smells, weak anchors, lack of anchor lights, unattended crafts, misuse of day docks, and apprehensions about the hurricane season and possible ramifications of storms.

Edward Cahill, 1608 Point Pleasant Ave. West, presented information from the Boat Owners Association of the United States regarding the establishments of mooring fields and the rules of same. He urged City Council to consider the creation of a mooring field in the Manatee River accompanied by an ordinance which would help protect our waters.

City Attorney, Bill Lisch, stated that approximately three years ago, the state had made it extremely difficult for municipalities to prevent navigable boats from mooring due to rights of navigation.

Mayor Poston requested Chief Radzilowski to send officers to inspect the day dock situation, and Councilman Roff said he would discuss the issue with the Florida League of Cities as boat mooring rules affect many municipalities.

CONSENT AGENDA:

- a) Minutes: May 22 City Council meeting.
- b) Request from BPD to donate \$1,000 of forfeiture funds to Mothers Against Drunk Driving's Inaugural Chief Challenge Fundraiser.
- c) Public Event: Walk to End Alzheimer's 2013 on 10/5/13 at Riverwalk.
- d) Public Event: First Baptist Church request to close 13th Street between Manatee-4th avenues west for 24 hours starting 6 p.m. Aug. 9 for Day of Hope event.
- e) Public Event: Downtown Bradenton Farmers' Market 8-2 p.m. every Saturday from 10-5-13 to 5-31-14.
- f) Public Event: Paws in Motion Walkathon on 3/8/14 on the Riverwalk.
- g) Public Event: ArtSlam on 3/8/14 on 12th St. W. between Manatee-6th avenues.
- h) Resolution 13-21: Reappointing Stephen Thompson to the Central Community Redevelopment Agency.

- i) Resolution 13-22: Reappointing Len Najjar to the Construction Board of Rules & Appeals.
- j) Resolution 13-23: Appointing Deputy Police Chief Warren Merriman to the Enterprise Zone Board.
- k) Resolution 13-24: Reappointing Rigo Rivera to the Bradenton Housing Authority.
- l) Resolution 13-25: Appointing JB Taylor to the Planning Commission.
- m) No-cost contract extension with SWFWMD for the Aquifer Storage & Recovery program.

MOTION TO APPROVE CONSENT AGENDA Items A-M was made by Councilman Byrd, seconded by Councilman Brown, and approved 3:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SU.13.00101 WARD 4 NEIGHBORHOOD 7.03 PUBLIC HEARING

Request of Michael Wagner, owner, for a Special Use Permit to operate a Light Manufacturing and Lounge at 301 7th Street East (zoned T5).

AB.13.00023 WARD 4 NEIGHBORHOOD 20.04 PUBLIC HEARING

Request of Michael Wagner, owner, for a 2-COP Alcohol Beverage License for use at 301 7th Street East (zoned T5).

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

Michael Wagner, 228 Oak Ave., Anna Maria Island, owner, stated he had met with the neighbors and had addressed their concerns. He also had procured parking space away from the residences. He said he was very excited to be returning to the community in which he had previously worked many years ago, and felt his business would be a positive addition to the area.

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

Tim Polk, Planning and Community Development Manager, gave the Staff and Planning Commission's recommendation for approval:

STAFF RECOMMENDATION:

APPROVAL of SU.13.00101 with the following stipulations:

1. Hours of operation: Production hours 6AM to 6PM, tasting hours 11AM to 11PM, daily.
2. No outdoor music.
3. Restrooms and parking lot must comply with ADA regulations.
4. Tasting room egress doors and windows to be current building code compliant.
5. Provide wheel stops in all parking spaces.
6. Install bollards to surround beer garden.
7. Provide curbside pickup for refuse cans.
8. Comply with form based code landscape/signage requirements.

APPROVAL of AB.13.00023 with the following stipulations:

1. Series 2-COP license to allow for on-premise consumption of beer and wine, including the outdoor beer garden.

PLANNING COMMISSION RECOMMENDATION (May 15, 2013):

APPROVAL of SU.13.00101 with the following stipulations:

1. Hours of operation: Production ~~Delivery~~ hours 6AM 8AM to 6PM, tasting hours 11AM to 11PM, daily.
2. No outdoor music.
3. Restrooms and parking lot must comply with ADA regulations.
4. Tasting room egress doors and windows to be current building code compliant.
5. Provide wheel stops in all parking spaces.
6. Install bollards to surround beer garden.
7. Provide curbside pickup for refuse cans.
8. Comply with form based code landscape/signage requirements.

APPROVAL of AB.13.00023 with the following stipulations:

2. Series 2-COP license to allow for on-premise consumption of beer and wine, including the outdoor beer garden.

Discussion: This request covered production, delivery, and onsite consumption. Outside service would be established as customers demand.

MOTION TO APPROVE SU.13.00101 WARD 4 NEIGHBORHOOD 7.03 with stipulations was made by Councilman Byrd, seconded by Councilman Brown, and approved 3:0.

MOTION TO APPROVE AB.13.00023 WARD 4 NEIGHBORHOOD 20.04 with stipulations was made by Councilman Brown, seconded by Councilman Roff, and approved 3:0.

SU.13.00104 WARD 4 NEIGHBORHOOD 20.03 PUBLIC HEARING

Request of Belleair Development Group, agent for Stearns Bank, owner, for a Special Use Permit allowing a Convenience Store/Service Station use at 4455 & 4459 State Road 64 East (zoned SCC).

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

Dorinda Marvin, attorney representing Belleair Development, gave an overview of the property history and the proposed changes for ingress and egress points, landscaping, buffers and setbacks, parking, and other concerns of the neighbors which had been addressed.

David McDonald, Real Estate Manager for Wa Wa, provided history of the company which had started as a textile company in the 1850's in Wa Wa, Pennsylvania, had branched into dairy, and had then become a convenience store chain in the 1960's. Wa Wa now totaled 625 stores, 20 of which are in Florida. Privately owned by the employees, the company does not franchise.

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

Tim Polk, Planning & Community Development Manager, stated he had toured the Wa Wa stores located in Tampa and had been extremely impressed with the layouts, cleanliness, attractiveness, and bustling business. He then gave the Staff and Planning Commission's recommendation for approval:

STAFF RECOMMENDATION:

APPROVAL of SU.13.00104 with the following stipulations:

9. Hours of operation: 24 hours, daily.
10. Fire suppression system for dumpster/recycling area required.
11. A City approved grease trap/hood system is required for commercial cooking.
12. Hostile landscaping shall be planted, where applicable.
13. Provide "clear-zone" through landscaping for security/visibility.
14. Install 8 foot tall screen fence to buffer from adjacent residential uses.
15. Exterior lights shall be shielded to prevent off-site illumination in excess of city standards.
16. Any proposed land use not permitted "by right" shall require Special Use review and approval.

PLANNING COMMISSION RECOMMENDATION (May 15, 2013):

APPROVAL of SU.13.00104 with the following stipulations:

1. Hours of operation: 24 hours, daily.
2. Fire suppression system for dumpster/recycling area required.
3. A City approved grease trap/hood system is required for commercial cooking.
4. Hostile landscaping shall be planted, where applicable.
5. Provide "clear-zone" through landscaping for security/visibility.
6. Install 8 foot tall screen fence to buffer from adjacent residential uses.
7. Exterior lights shall be shielded to prevent off-site illumination in excess of city standards.
8. Any proposed land use not permitted "by right" shall require Special Use review and approval.

MOTION TO APPROVE SU.13.00104 WARD 4 neighborhood 20.03 with stipulations was made by Councilman Byrd, seconded by Councilman Roff, and approved 3:0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND CITY COUNCIL – None scheduled.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Councilman Gene Brown, Ward II: Offered his wishes for a speedy recovery to Vice Mayor/Councilman Gallo.

Councilman Brown expressed his appreciation to the Code Enforcement Team and the work they do to make our community a better place.

He asked Bill Lisch about whether or not a municipality could place liens on foreclosed properties. Mr. Lisch said that about 30 days ago, a change had been made by the legislature regarding lien priorities, and the decision was that municipalities would not receive priority over a lender.

Councilman Patrick Roff, Ward III: Along that same line, Councilman Roff requested Mr. Lisch to look into the new foreclosure law which had just been signed by Governor Scott to see if it may be beneficial for Bradenton. Mr. Lisch said that the situation is very complex and not easily solved. Mayor Poston requested Councilman Roff to speak to the League of Cities to get a copy of the Ft. Myers plan to see how it has been operating there.

Councilman Roff had been receiving many complaints about chickens and roosters roaming the streets outside of the Village of the Arts. Manatee County was passing an ordinance to prohibit poultry, but this would not solve the problem in Bradenton. This topic would require more consideration.

Councilman Harold Byrd, Jr., Ward V: Also expressed his best wishes for Vice Mayor/ Councilman Gallo's speedy return.

Mayor Wayne Poston: Mayor Poston thanked Xavier Bailey for sitting in as Mayor for the Day and presented her with a key to the City.

The Mayor said he had been keeping Mr. Gallo informed of the goings-on in the city and looked forward to his return.

The Mayor reported that the McKechnie Field redevelopment project done by Fawley-Bryant Architects had won the award for Design Excellence from the Florida Planning & Zoning Association, and attendance is up at the games.

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chief Edwards: Nothing to report.

Chief Radzilowski: Said he had been a guest speaker at the Bradenton Rotary Club this morning and extended greetings to Mayor Poston from them. The Mayor had been a guest speaker at last month's meeting of the Club.

Claude Tankersley: Nothing to report.

Tim Polk: Reported that he had attended the 3rd annual conference of the National Fund for Workforce Solutions and been presented an award for CareerEdge. There are 30-31 workforce collaborates in the country, and Bradenton's is one of the best in the country. Plans for expansion of the program into Tampa and Charlotte County are being developed. Mr. Polk thanked City Council, the boards, and Manatee County for their support of CareerEdge.

Mayor Poston added that the Bridges Program, a component of CareerEdge, just graduated 13 individuals who had successfully completed the reeducation program which would help them return to work and be productive members of society.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 9:31 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.