

CITY OF BRADENTON
CITY COUNCIL MEETING
November 16, 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, November 16, 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; Paul McQuade, Assistant Police Chief; Jim McLellan, Public Works & Utilities Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by Pastor Bill Pierson, J.O.Y. Fellowship.
(The City does not endorse the religious beliefs of any speaker.)

The Pledge of Allegiance was led by Mayor Poston.

Police Chief Melanie Bevan was out with an excused absence.

The meeting was called to order by Mayor Poston.

PROCLAMATIONS

Hunger and Homelessness Awareness Week: Nov. 12-20, 2016

Bradenton Blues Festival: Dec. 2-4, 2016

The proclamation was accepted by **Realize Bradenton Executive Director, Johnette Isham.**

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., reported that following signing a waiver with Keep Manatee Beautiful, members of the soccer team he coaches had gone out to the Causeway twice to work on overgrown landscaping. He requested a contribution from the City. Mayor Poston stated that a precedent could not be set.

CONSENT AGENDA

- A. Minutes: Oct. 12 City Council meeting.
- B. Minutes: Oct. 26 City Council meeting.
- C. Resolution 16-56: Reappointing Rev. Michael Walker and Ms. Patricia Johnson to the Central CRA Advisory Board.
- D. Agreement with E Co Consultants Inc. for mangrove trimming.
- E. Resolution 16-57: Reappointing Ben Bakker to the Planning Commission.
- F. Resolution 16-58: Reappointing Gene Bay to the Architectural Review Board.
- G. Resolution 16-59: Reappointing Vernon DeSear and Kelly Ann Dixon to the Downtown Development Authority Advisory Board.
- H. Resolution 16-60: Local government contribution – Cadell’s Way project.
- I. Resolution 16-61: Supporting state funding for Boys & Girls Clubs.
- J. Resolution 16-62: Tentative award of construction contract for screw press dewatering upgrade at the Wastewater Treatment Facility.

Councilman Brown requested that Item I be removed for further discussion.

MOTION TO APPROVE Consent Agenda Items A-H and J was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

Councilman Brown asked **Tim Knowles** and **Dawn Stanhope**, representatives of the Boys & Girls Clubs of Manatee County, to come forward. Mr. Knowles, Chair of the Florida Alliance, a lobbyist group for the 43 Boys and Girls Clubs in Florida, stated the contribution would be utilized to demonstrate community support to request funding from the state for education and gang and drug intervention programs. He thanked Council for their support, and stated that a difference was being made in the lives of 4,100 youth in Manatee County, and 150,000 throughout the state. Councilman Brown stressed the importance, value, and lasting influence of the Boys & Girls Clubs which he had personally experienced as a boy.

MOTION TO APPROVE ITEM I was made by Councilman Brown, seconded by Vice Mayor Gallo, and approved 5:0.

Vice Mayor Gallo offered a contribution from his remaining campaign funds to the Boys & Girls Clubs. Tim Knowles expressed his appreciation and reminded everyone that the club's Christmas tree sales would begin next week. **Dawn Stanhope, President**, added her appreciation for the support which would help them help youth deal with the challenging situations they face.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

ORDINANCE NO. 2993 FIRST READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY BRADENTON, FLORIDA, DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM DECLARING ZONING IN PROGRESS AND IMPOSING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF NEW APPLICATIONS FOR THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSING FACILITIES FOR A PERIOD OF 180 DAYS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Sharon Kramer, 1907 74th Street NW, Director of Drug Free Manatee, expressed her support of the moratorium to allow time to develop zoning regulations to protect the public. She cited potential problems: Because credit cards cannot be used to purchase a federally illegal product, cash-only businesses could lead to greater crime; studies have shown marijuana to be detrimental for brain development in youth, lower IQ's, poor school outcomes, poor memory, loss of motivation, and behavioral problems; the Department of Health is forecasting 2000 shops to be opened; increased cases of drugged driving and child abuse; and negative impacts upon the existing surrounding neighborhoods.

She said the coalition would be happy to share photos and additional information regarding problems being experienced in other states.

Rita Chamberlain, 4504 Mt. Vernon Drive, Drug Free Manatee, said that marijuana is still rated as a DEA Schedule 1 drug, abusive and addictive, not a proven research-based safe & effective medicine as identified by the FDA, DEA, or any agency of repute. It has not been researched as a medicine and contains over 500 chemicals. She said marijuana cannot be prescribed, only issued as a recommendation. It is not sold in pharmacies, only in pot shop dispensaries. The only requirement is that they be 21. By statute, home delivery is permitted via online sources. She urged time and research to get it done right.

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

MOTION TO APPROVE THE FIRST READING AND PUBLIC HEARING OF ORDINANCE NO. 2993 AND SET THE SECOND READING AND PUBLIC HEARING FOR DEC. 14, 2016 was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

SU.16.1854, WARD 4, NEIGHBORHOOD 7.04

Request by Tom Glancy of Duncan Seawall, Dock and Boat Lift LLC, agent, for Robert Seybold, owner, for a Special Use Permit for the construction of a dock with a boat lift to extend into the Manatee River for property located at 315 Crescent Court East, zoned R-1, Residential Single-family; Parcel Identification Number: 1187100209.

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

Tom Glancy, Duncan Seawall, agent, said that they had spent a great deal of time working with the City, EPA, and Army Corps of Engineers, to ensure the dock would meet all requirements.

Myra Swarz, Senior Planner, stated that staff recommended approval and that a special permit had been required due to the proposed length of the dock and the separation between the property and the Manatee River. She gave a PowerPoint presentation

depicting how the current land use regulations do not work with a shoreline arc. She said it made more sense to build a dock perpendicular to the shore.

STAFF RECOMMENDATION:

APPROVAL of SU.16.1854 with the following stipulations:

1. The applicant is required to sign an affidavit acknowledging the right of the City Council to issue an order for the removal of the dock at any time without compensation to the owner of the dock (LUR Section 5.1.2.14 b.)
2. The dock must be kept in good working order and condition, to not degrade from the value of nearby properties.
3. Lighting must include a manual or automatic switch to prevent lights from continuous operation.

PLANNING COMMISSION RECOMMENDATION (October 19, 2016):

APPROVAL 4-0 of SU.16.1854 with the following stipulations:

1. The applicant is required to sign an affidavit acknowledging the right of the City Council to issue an order for the removal of the dock at any time without compensation to the owner of the dock (LUR Section 5.1.2.14 b.)
2. The dock must be kept in good working order and condition, to not degrade from the value of nearby properties.
3. Lighting must include a manual or automatic switch to prevent lights from continuous operation.

Those in opposition were invited to come forward. None came.

The Public Hearing was closed.

MOTION TO APPROVE SU.16.1854 with stipulations was made by Councilman Smith, seconded by Councilman Brown, and approved 5:0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan – Purchasing Items:

Parking Garage at City Center

Ralph Ward, Purchasing Manager, recommended using Construction Management at Risk process versus the Design Build concept and requested further direction. The recommended process would permit a design professional RFQ and a construction manager RFQ to run simultaneously in separate bid processes.

MOTION TO APPROVE RECOMMENDATION TO USE CONSTRUCTION MANAGEMENT AT RISK PROCESS vs. DESIGN BUILD was made by Vice Mayor Gallo, seconded by Councilman Brown, and approved 5:0.

Tournament Sports Park Bid

Mr. Ward said the project had been put out to bid stating that previous major league baseball experience was required which had greatly limited the bid pool. One bid and one decline had been received. Conditions of the Pirates had required that the work be completed by January for the start of spring training. Also, the \$750,000 grant from the state needed to be utilized within 9 months. To fulfill the requirements, it was recommended that NDC Construction be awarded the bid.

MOTION TO APPROVE AWARD OF CONTRACT TO NDC CONSTRUCTION FOLLOWING END OF THE BID PROTEST PERIOD AT 2:00 was made by Councilman Brown, seconded by Councilman Roff, and approved 5:0.

Bid Protest

A Special Meeting will be set for Monday or Tuesday, Nov. 21st or 22nd, to review the marina bid protest. If numbers were available from the Manatee County Supervisor of Elections at that time, the results of the election would also be certified.

Evers Reservoir – Taylor Morrison – Slight Change in Bid

Carl Callahan stated that Taylor Morrison had made a slight change in their bid due to the denial of their request to use an additional 40 acres for remediation. They now offered a floor of \$10.5 million based on 340 units or less. This bid was comparable with that previously proffered by WCI, the previously accepted bidder who had withdrawn. If Taylor Morrison was permitted to build over 340 units, they would pay an additional \$30,000 per unit up to their original bid of \$12 million. They had completed their due diligence and now requested 30 days to finalize a purchase agreement.

MOTION TO APPROVE 2ND AMENDMENT TO TAYLOR MORRISON PURCHASE AND SALES AGREEMENT was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

BUSINESS BY APPOINTMENT – None.

THE CITY COUNCIL MEETING WAS TEMPORARILY RECESSED BY MAYOR POSTON AND THE CRA MEETING WAS CALLED TO ORDER AT 9:45 A.M. BY CHAIRMAN BYRD.

THE CRA MEETING WAS ADJOURNED AT 9:56 A.M. BY CHAIRMAN BYRD AND THE CITY COUNCIL MEETING WAS REOPENED BY MAYOR POSTON.

COUNCIL REPORTS

Vice Mayor Gene Gallo, Ward I – Vice Mayor Gallo expressed his thankfulness that the election was over. He thanked the Bradenton Herald for supporting him and for the voters who had helped reelect him. He looked forward to serving another 4 years.

Councilman Gene Brown, Ward II – Mr. Brown wished everyone a safe and happy Thanksgiving. He also thanked his colleagues for all the good they have done for the City and for supporting the Boys & Girls Clubs.

Councilman Patrick Roff, Ward III – Mr. Roff said he had attended the Code Enforcement Board meeting yesterday and had been very impressed by the abilities and performance of the members.

Councilman Bemis Smith, Ward IV – Councilman Smith asked Mr. Lisch about the progress of the revised noise ordinance. Mr. Lisch said it would be forthcoming. Mr. Smith asked that it be brought forward at a not-too-distant Council Workshop.

Councilman Harold Byrd, Jr., Ward V – Councilman Byrd extended congratulations to all the elected officials who had gone through the election cycle and thanked the voters for reelecting him.

Mayor Wayne Poston – Mayor Poston asked that **Frank Tschida, Motorworks Brewery**, be informed of the workshop at which the noise ordinance would be discussed. The mayor, too, expressed thanks to the citizens who had reelected him and assured them that the good work would continue. He wished everyone a happy Thanksgiving.

DEPARTMENT HEAD REPORTS

Carl Callahan: Nothing to report.

Catherine Hartley: Ms. Hartley said she would be signing off on the site plan for the new hotel this week. Four tax credit applications had been submitted. The revised park plans at Ballard Park / Ware's Creek would be forthcoming from Fawley-Bryant soon. Legal descriptions for access easements had been received from ZNS for eight residential lots, and interest had been expressed by developers. The lots would be posted by the beginning of the year. Mayor Poston added that Paul Mattison would be assuming ownership of the former Yachtsea Grill.

Chief Edwards: Chief Edwards thanked everyone who had donated and participated in the Bradenton Firefighters' Association golf tournament last weekend to raise funds for Children's Haven.

Assistant Chief McWade: AC McWade reported that the police department was participating in "Movember" and were growing facial hair to raise awareness and funding for the **Movember Foundation**, one of the largest men's health organizations in the world.

Jim McLellan: Mr. McLellan stated that he planned to work with Mr. Lisch to create a resolution to establish hours of operation and usage for the Mosaic Amphitheater at Riverwalk to help reduce disruption to the surrounding neighborhood. The new Landscape and Grounds Superintendent, Ross Peterson, had been assessing his crew needs to ensure implementation of some new ideas. Lastly, in response to an inquiry from Councilman Brown about our aged and expiring Christmas decorations, Mr. McLellan said that he had invited some firms to assess our needs. These firms supply, install, maintain, replace, and store all Christmas decorations, and thus free up City staff to do other work. He said he would report back with further information.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 10:09 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.