

CITY OF BRADENTON
CITY COUNCIL MEETING
August 12, 2015
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, August 12, 2015.

Present: Mayor Wayne Poston; Ward I Councilman Gene Gallo, Vice Mayor/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; Capt. Josh Cramer, Police Dept.; Claude Tankersley, Public Works & Utilities Director; Chuck Edwards, Fire Chief; Tim Polk, Department of Planning & Community Development Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by Pastor Max Smith, First Christian Church of Bradenton.
(The City does not endorse the religious beliefs of any speaker.)

The meeting was called to order by Mayor Poston.

The Pledge of Allegiance was led by Mayor Poston.

PROCLAMATIONS:

National Breast Feeding Month – August 2015

The proclamation was accepted by **Dr. Jennifer Bencie, Florida Dept. of Health Manatee County**, in collaboration with **Katy Powers of Manatee Memorial Hospital** and **Fred Leonard of Healthy Start Coalition**. Recent programs had been started to provide onsite lactation education and support at work.

PRESENTATIONS:

Bradenton Fire Department Retirements:

- **Inspector Richard Findlay – 24 years of service**
- **Battalion Chief Dan Harris – 30 years of service**

Chief Edwards and Deputy Chief Ezell, along with Mayor Poston, former Fire Chief Gallo, and the rest of Council, expressed thanks for their years of dedicated and exemplary service and wished them well in retirement.

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

CITIZEN COMMENTS: None.

CONSENT AGENDA:

- A. Budget Adjustments – Public Works & Utilities Department.
- B. Subordination of Mortgage agreement.
- C. Final Subdivision Plat approval for Cottages at San Lorenzo at 101, 129, 209 48th Street Court East (zoned PDP).
- D. Resolution 15-24: CDBG substantial amendment.
- E. Resolution 15-25: CDBG Annual Action Plan.
- F. Resolution 15-27: Appointing John Vita to the Planning Commission.
- G. Resolution 15-28: SHIP annual report.
- H. Resolution 15-29: Appointing R.J. Santarlas to the Merit Board.
- I. Resolution 15-30: Reappointing Tom Heitzman to the Tree Board.
- J. Resolution 15-31: Authorizing grant application for Twin Dolphin Marina improvements
- K. Information Security Policy
- L. Minutes: July 8 special City Council meeting.
- M. Minutes: July 15 regular City Council meeting.

- N. Minutes: July 22 special City Council meeting.
- O. Forfeiture Fund requests.
- P. METV's production services for fiscal year 2015-16.
- Q. Department of Corrections Work Squad contract renewal.
- R. Approval of a Contract Change Order for the FY2015 Water Main Replacement Project with DeJonge Excavating Contractors, Inc. to add Alternate Bid Items 1 and 2.

MOTION TO APPROVE Consent Agenda items A-R was made by Councilman Roff, seconded by Vice Mayor Brown, and approved 5-0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS – None.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND COUNCIL

SA.15.2499 WARD 4 NEIGHBORHOOD 20.03 PUBLIC HEARING

Request of Belinda Waiters, agent for Juan Curci, owner, for Special Use Amendment approval to allow expansion of existing Child Daycare Facility at 5233 4th Circle East (zoned SCC/PDP).

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

Belinda Waiters, applicant, stated the business had been growing and the expansion was necessary to keep up with demand.

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

Tim Polk gave the Staff and Planning Commission recommendation for approval with 5 stipulations:

STAFF RECOMMENDATION:

APPROVAL of SA.15.2499 with the following stipulations:

1. Hours of operation as stated by the applicant: 6:30AM to 10PM.
2. No commercial cooking.
3. Outdoor play area shall be enclosed with a six (6) feet tall, opaque fence. Gate latch shall be out of reach of children.
4. Provide structural bollard in front of entry.
5. Structures cannot be located within any easements.

PLANNING COMMISSION RECOMMENDATION (July 8, 2015):

APPROVAL of SA.15.2499 with the following stipulations:

1. Hours of operation as stated by the applicant: 6:30AM to 10PM.
2. No commercial cooking.
3. Outdoor play area shall be enclosed with a six (6) feet tall, opaque fence. Gate latch shall be out of reach of children.
4. Provide structural bollard in front of entry.
5. Structures cannot be located within any easements.

Councilman Smith stated that his copy of the Planning Commission recommendations stated the hours would be from 6:30 a.m. to **11:00 p.m.** He inquired why the 11:00 p.m. closure had been requested. The applicant stated it was to accommodate late arriving parents.

MOTION TO APPROVE SA.15.2499 WITH 5 STIPULATIONS including the 11:00 P.M. closure recommended by the Planning Commission was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

SU.15.2317 WARD 5 NEIGHBORHOOD 1.03 PUBLIC HEARING

Request of Ella Powell, agent for Leon Foster, owner for Special Use approval to allow a Child Daycare Facility at 2118 1st Street West (zoned UCC).

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

Ella Powell, applicant, expressed her wishes for approval of the request and thanked the City for its cooperation.

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

Tim Polk gave the Staff and Planning Commission recommendation for approval with 5 stipulations:

STAFF RECOMMENDATION:

APPROVAL of SU.15.2317 with the following stipulations:

1. Hours of operation as stated by the applicant: 6AM to 6PM, Monday through Friday.
2. Maximum student capacity and number of employees per state code.
3. Commercial cooking is not permitted.
4. Fire alarm system is required.
5. Provide structural bollards in front of building entrance.
6. Applicant shall provide State DCF documentation of childcare certifications to the PCDDirector prior to commencement of operations.

PLANNING COMMISSION RECOMMENDATION (July 8, 2015):

APPROVAL of SU.15.2317 with the following stipulations:

1. Hours of operation as stated by the applicant: 6AM to 6PM, Monday through Friday.
2. Maximum student capacity and number of employees per state code.
3. Commercial cooking is not permitted.
4. Fire alarm system is required.
5. Provide structural bollards in front of building entrance.
6. Applicant shall provide State DCF documentation of childcare certifications to the PCDDirector prior to commencement of operations.

Councilman Byrd stated that his information included 6 stipulations. Tim Polk stated there were indeed 6 stipulations. Some confusion was had about the time of closure as Mr. Polk had stated 10:00 p.m. The request was approved as written.

MOTION TO APPROVE SU.15.2317 WITH 6 STIPULATIONS as provided in the documentation provided to City Council was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

Dave Gustafson, DDA Executive Director

Manatee Inns/RFQ/purchase agreement with Beneficial Communities

Ken Bowron, Jr., WOB Beneficial Development 16, LLC, stepped forward to address any questions regarding the purchase agreement.

Councilman Gallo expressed concern about the government mandated low salary qualifications for tenants which could possibly lead to the complex becoming geared toward senior housing rather than millennial housing as desired. Mr. Bowron stated that this type of artist loft housing and location was generally not appealing to seniors.

Tim Polk recommended approval as Beneficial was a very reputable group which had met the parameters of the *Tapestry Project* as outlined by the DDA and Realize Bradenton.

MOTION TO APPROVE THE PURCHASE AND SALE AGREEMENT BETWEEN WOB BENEFICIAL DEVELOPMENT 16, LLC, AND THE DDA ACTING AS THE 14TH STREET CRA, FOR THAT PROPERTY COMMONLY KNOWN AS MANATEE INNS PROPERTY AS PRESENTED was made by Councilman Smith, seconded by Councilman Roff, and approved 5:0.

Discussion: Thanks were offered to all the DDA board members and others who had worked on this RFQ. With the sale of this property, freed-up mortgage payment funds would be redirected to the CRA.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I – Councilman Gallo inquired about the progress of the purchase agreement for the reservoir property. Mr. Lisch said he was currently going through the contract and would keep Council apprised.

Vice Mayor/Councilman Gene Brown, Ward II – Vice Mayor Brown offered his thanks and personal best wishes to retiring Inspector Findlay and Battalion Chief Harris.

Councilman Patrick Roff, Ward III – Councilman Roff was extremely pleased to report that the Ware’s Creek Flood Control Project had performed admirably in the recent record-breaking rains. The Mayor said he was very pleased that the Village of the Arts and East Bradenton had not experienced flooding thanks to the improvements done to the storm water system. Carl Callahan said the record rains had been useful to help point out any areas which would require additional work. He said that sources of revenue would be sought to make the necessary improvements to the storm water projects.

Councilman Bemis Smith, Ward IV – Councilman Smith said that last Saturday’s funeral service for Chips Shore, Manatee County Clerk of Court, had been very honoring to the memory of this consummate citizen who had contributed untold gifts to the community.

Councilman Harold Byrd, Jr., Ward V – Councilman Byrd reiterated the sentiment about Chips Shore and extended condolences to his family.

Mayor Wayne Poston – Mayor Poston welcomed Commissioner Chappie in the audience.

DEPARTMENT HEAD REPORTS

Carl Callahan: Thanked Council for permitting Mr. Shore’s funeral to be held in the Bradenton Municipal Auditorium, which had been a very fitting venue for the services, and his family had very much appreciated it.

Chief Edwards: Nothing to report.

Captain Cramer: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Mr. Polk added that Mr. Shore had been a very interesting, innovative thinker who had been great to work with. He then introduced **Myra Schwarz, the new GIS/Planner** in the Planning & Community Development Department.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 9:30 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.