

CITY OF BRADENTON
CITY COUNCIL MEETING
August 13, 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, August 13, 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; Warren Merriman, Deputy Police Chief; Claude Tankersley, Public Works Director; Tim Polk, Department of Planning & Community Development Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was given by Pastor Rick Speece, Calvary Baptist 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 who welcomed Manatee County Commissioner John Chappie in the audience.

Chuck Edwards, Fire Chief, and Michael Radzilowski, Chief of Police, were out with excused absences.

PROCLAMATIONS:

National Breastfeeding Month – August 2014

The proclamation was accepted by **Luz Corcuera**, Community Health Director of Florida Department of Health, Manatee County, on behalf of the Department of Health, Healthy Start Manatee, WIC, and Manatee Memorial Hospital who emphasized the value of breastfeeding for babies and mothers.

Tribute to Heroes Day – September 11, 2014

The proclamation was accepted by Fire Marshal Kenneth Langston who invited everyone to attend the ceremony to be held at the Memorial site at Riverwalk at 9:30 a.m. on September 11, 2014.

PRESENTATIONS: None.

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) Public Event: 9/11 Memorial Service on Sept. 11 at Riverwalk memorial site.
- b) Public Event: 22nd Annual Canes Cross Country Classic on Sept. 1 at GT Bray Park.
- c) Annual contract with METV for airing City Council meetings.
- d) Department of Corrections work squad contract renewal.
- e) Agreement for the purchase and sale of real property.
- f) Minutes: July 16 City Council meeting.
- g) Minutes: July 22 City Council special meeting.
- h) Resolution 14-33: Housing rehabilitation agreement.

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

Councilman Roff made mention of Item E which had involved a land exchange with the neighboring business owner of some property with no use to the city in order to acquire a property which the City needed for a lift station rehabilitation project to continue to improve city infrastructure.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SU.14.00117 WARD 4 NEIGHBORHOOD 20.03 PUBLIC HEARING

Request of David Goree, agent, for BDG SR64 LLC, owner, for Special Use approval to establish an Automotive Service Facility at 4459 SR 64 East (zoned SCC).

The Public Hearing was opened.

Those in favor were asked to come forward. None came forward.

Those in opposition were asked to come forward; none came forward.

The Public Hearing was closed.

Tim Polk gave the Staff and Planning Commission recommendations for approval with stipulations.

STAFF RECOMMENDATION:

APPROVAL of SU.14.00117 with the following stipulations:

1. Hours of operation as stated by the applicant: Mon-Fri: 8AM to 6PM; Sat: 8AM to 5PM; Sun: 10AM to 4PM.
2. Overnight storage and major repair of vehicles is prohibited.
3. Building design shall be consistent with adjacent convenience store.
4. Handicap parking to be provided in compliance with federal ADA regulations.

PLANNING COMMISSION RECOMMENDATION (July 9, 2014):

APPROVAL of SU.14.00117 with the following stipulations:

1. Hours of operation as stated by the applicant: Mon-Fri: 8AM to 6PM; Sat: 8AM to 5PM; Sun: 10AM to 4PM.
2. Overnight storage and major repair of vehicles is prohibited.
3. Building design shall be consistent with adjacent convenience store and approved by PCD Director at permitting.
4. Handicap parking to be provided in compliance with federal ADA regulations.
5. ~~Provide description of oil containment and disposal methods to PCD Director.~~ **APPLICANT PROVIDED DESCRIPTION OF OIL CONTAINMENT AND DISPOSAL IN EMAIL DATED JULY 14, 2014. STIPULATION SATISFIED AND ELIMINATED.**

MOTION TO APPROVE SU.14.00117 with 4 stipulations was made by Vice Mayor/Councilman Smith, seconded by Councilman Roff, and approved 5:0.

ORDINANCE #2965 FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, FURTHER AMENDING PART 1, CHARTER AND RELATED LAWS, SUBPART B, RELATED LAWS, ARTICLE IV, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; ESTABLISHMENT AND OPERATION OF FUND; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE #2965 AND SET THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 10, 2014 was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND CITY COUNCIL

Bill Lisch, City Attorney

Lewis Park Easement – Approximately 30 years ago, the City had granted an easement to the property owner on the corner of 30th Street West and Riverview Blvd. as a buffer from Lewis Park. The easement has now expired and it would make sense to declare the 20' of property as surplus and sell it to the property owner for the appraised value.

MOTION TO DECLARE EXPIRING EASEMENT PROPERTY AS SURPLUS and sell it to the property owner for its appraised value was made by Councilman Brown, seconded by Councilman Roff, and approved 5:0.

Wawa Easement – An old waterline easement had gone through the current Wawa property, but as the waterline had been moved, a new easement would need to be obtained. Mr. Lisch requested a motion to approve the resolution and vacate the easement upon the condition that Public Works approved the new easement upon receipt of the as-builts. Claude Tankersley added a 10-day time certain upon receipt of the as-builts to allow for recording.

Resolution 14-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, VACATING A GRANT OF WATER LINE EASEMENT 16 FT. IN WIDTH WHICH LIES TO THE SOUTH OF LOTS 1, 2, 3, & 4 AND TO THE NORTH OF LOTS 5, 6, 7, & 8, SOUTHERN INVESTMENT COMPANY'S SUBDIVISION, AS RECORDED IN OFFICIAL RECORDS BOOK 1078, PAGE 1000, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 14-34 was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

Tim Polk, Planning & Community Development Director

Minnie L. Rogers Plaza and Retail Center Development and Acquisition Agreement – Tim Polk brought forward the finalized agreement made between the developer and the Central Community Redevelopment Agency over which the City would oversee.

Stephen Thompson, Najmy Thompson, PA, and CCRA Board Chair, provided an overview of the project which had begun 12-13 years ago through a series of community meetings which had identified a need for a grocery store in that area. It had taken longer than anticipated and the project, though perhaps not perfect, would be beneficial and add convenience to the residents and create jobs.

Councilman Roff stated that, having studied land planning issues for 10 years, it was indeed true that urban redevelopment is NOT easy and he thanked Mr. Thompson for his efforts.

Tim Polk acknowledged the people who had made the development possible: residents of the neighborhood, CCRA staff Jesus Nino and Vicki Sokolich, K.C. George, NDC consultant, and Ernest Coney, Tampa CDC, one of the big partners.

Tim Polk then gave a summary of the agreement:

SUMMARY OF AGREEMENT

- Contract between the CENTRAL COMMUNITY REDEVELOPMENT AGENCY and UPWARD SAL BRADENTON, LLC (Developer);
- Minnie L. Rogers Plaza and Retail Center Project composed of 26,808 square feet of retail space and an Urban Format Grocery Store;
- The proposal review committee of the CCRA originally selected Casto as the “Preferred Developer” for the Project;
- The CCRA has subsequently replaced Casto with UPWARD SAL BRADENTON, LLC as the “Preferred Developer;”
- The Parties and National Development Council (“NDC”) have secured the involvement of a “Save-A-Lot” grocery store to open and operate a 15,858 square foot Urban Format Grocery Store;
- The Save-A-Lot grocery store will provide access to healthy food alternatives to residents of the community and help with the elimination of an existing “Food Desert”;
- The Project will be developed in accordance with the City’s Formbased Codes;
- *Costs of Development.* The Developer will develop the Project at no cost to the Agency or the City. Notwithstanding what was agreed upon in the agreement;
- The CCRA will make payments to the developer in the amount of \$45,000 per year with the first payment due at the official grand opening of the Save-A-Lot grocery store and shall continue for six additional years;

- At closing the CCRA will to make a payment to the Developer in the amount of \$745,000. This payment will coincide with the Property purchase price of \$750,000 paid by the Developer on the Closing date;
- Parties have agreed that the CCRA will lend the Developer the principal amount of \$300,000 at an interest rate of 5.65%; (no payments due to CCRA during construction, then for 7 years after that interest only payments will be due)
- Developer will require an initial \$60,000, from the said \$300,000 loan, up front for predevelopment cost;
- Master Lease Agreement required to fill vacant leasable space void within the project.

Discussion about the appropriateness of the project and desire of the neighborhood.

MOTION TO APPROVE THE MINNIE L. ROGERS PLAZA AND RETAIL CENTER DEVELOPMENT AND ACQUISITION AGREEMENT was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:1 with Vice Mayor/Councilman Smith in opposition.

BUSINESS BY APPOINTMENT - None.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilman Gene Brown, Ward II: Thanked Claude Tankersley for continuing to take him on tours of the various City Public Works facilities. At a recent visit to one of the lift stations, Mr. Brown had noted that concrete was missing on the floor and wall and that we have definitely been maximizing the life of our facilities.

Mr. Brown also expressed his hopes that everyone would be careful and safe upon the start of school next week and would have a good year.

Councilman Patrick Roff, Ward III: Councilman Roff said that last Thursday he had been a member of a panel at the Manatee Tiger Bay Club meeting to discuss the Village of the Arts and Tamiami Trail. The meeting had been filmed by METV and was available for review at www.metvweb.com.

Last night, along with Mayor Poston, Dave Gustafson, Tim Polk, Claude Tankersley, Johnette Isham, and others, Mr. Roff had attended a meeting hosted by the Patterson Foundation who had invited the Harwood Institute to present training about “Reclaiming Main Street.” Key features of the presentation which he had made note of:

1. Focus on shared aspirations
2. Work together
3. What do we say about ourselves?
4. What kind of policy should we exercise in going forward?
5. Have courage, but don’t be foolhardy
6. Put a stake in the ground
7. Practice humility

Vice Mayor/Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Jr., Ward V: Councilman Byrd welcomed his mother, **Ruby Byrd**, who was in the audience with her friend, **Mrs. Bacon**, and would be celebrating her 80th birthday next month. He quoted “If you build it, they will come,” and stated that his mother would definitely be in the aisles of the Minnie Rogers Plaza grocery store.

Mayor Wayne Poston: Welcomed Manatee County Commissioner John Chappie in the audience and thanked him for his steadfastness.

DEPARTMENT HEADS

Carl Callahan: Stated that the new parking meters were to be installed soon and he had distributed proposed rates for parking. It would be \$1 for the first 2 hours and \$1 per hour thereafter which is in line with the other parking permit rates and would be enacted as of September 1. He requested approval of Resolution 14-30.

Resolution 14-30

A RESOLUTION SETTING PARKING FEES; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 14-30 was made by Councilman Gallo, seconded by Councilman Byrd, and approved 5:0.

Mayor Poston stated that Fire Chief Chuck Edwards was out to conduct an essential phone conference from the National Accreditation Committee.

Deputy Chief Merriman: Nothing to report.

Claude Tankersley: Mr. Tankersley requested approval of 3 road closures for infrastructure replacement:

1. 9th Ave. W. between 21-23 - FPL poles - Sept. 12 & 13
2. 8th Ave. E. between 1-2 – Wawa’s tie in to sanitary sewer – Aug. 18
3. 9th Ave. W. & 16th Street W. – Water main improvement project - first week of Sept.

MOTION TO APPROVE THE THREE REQUESTED ROAD CLOSURES FOR INFRASTRUCTURE REPLACEMENT was made by Councilman Roff, seconded by Councilman Byrd, and approved 4:0. (*Councilman Gallo had stepped out of the room.*)

Tim Polk: Thanked Council for approval of the Rogers Plaza. Mr. Polk said he had met yesterday regarding left turns being made on 48th Street into Thornton’s convenience store. With the aid of Mr. Tankersley and his staff, a possible solution was in the works. It was anticipated to be done within 2-3 weeks and the Homeowners Association would be kept informed.

Bill Lisch: Mr. Lisch proudly stated that his daughter had just accepted a position with a Fox news affiliate in Fargo, ND.

Lastly, Councilman Brown wished Vice Mayor/Councilman Smith a Happy Birthday.

There being no further business, Mayor Poston adjourned the meeting at 9:29 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.