

CITY OF BRADENTON
CITY COUNCIL MEETING
February 26, 2014
6:00 P.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 6:00 p.m. on Wednesday, February 26, 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; Michael Radzilowski, Police Chief; Claude Tankersley, Public Works Director; Chuck Edwards, Fire Chief; and Tim Polk, Department of Planning & Community Development Director.

The pre-meeting invocation was given by Minister Tim Boyd of Westside Christian Church.
(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 Manatee High School Pledge Cheerleaders.

William Lisch, City Attorney, was out with an excused absence.

PROCLAMATIONS:

Manatee High School Cheerleaders Day – Feb. 26, 2014

The proclamation was accepted by **Coach Kelly Althof** on behalf of the team who then treated the Council and audience to a cheer. All were also regaled with a video clip of their winning performance at the Class 2A extra-large division state championship. The Mayor, City Council, and Department Heads shook pompoms in honor of the team's accomplishment.

Engineers Week – March 2-8, 2014

Claude Tankersley, Public Works Director, and several fellow engineers accepted the proclamation. They were thanked for all of the fine projects which they had brought to pass in the City of Bradenton.

PRESENTATIONS: Powerboat Regatta – January 30-31, 2015

Elliott Falcione, Bradenton Convention and Visitors Bureau, stated that the concept of hosting the Powerboat Regatta on the Manatee River had begun three years ago when an alliance had been formed with the city of Pittsburgh through Bradenton's connection with the Pittsburgh Pirates. The *Pittsburgh Three Rivers Regatta* had been a signature event for 37 years in Pittsburgh, drawing people from all over the world.

The event on the Manatee River would be held on January 30 & 31, 2015 and would include free concerts, food vendors, various water and land sports, and fireworks. Mr. Falcione said it would bring a unique new event to the area and draw new people from all over and create a greater conversion rate. The event would be promoted in Pittsburgh and within a 100-mile radius of Bradenton. It would also be advertised in the United Kingdom and Germany, strong advocates of power boating and could be expected to draw up to 75,000 people and generate \$8-\$10 million in revenue.

Mike Fetchco and Michael Dongelli, ISM-USA Marketing, said they were very thrilled with our prime venue which is one mile wide with few bridges compared to the Allegheny in Pittsburgh which is ¼ mile wide with many bridges. The Manatee River could become Florida's exclusive power boat stop. They presented a Youtube video of the 2013 EQT Pittsburgh Three Rivers Regatta showing the small shallow boats which race up to 120 miles per hour and depicting all of the various activities which take place. They ensured that all safety standards would be met and that the event would enhance the quality of life.

Mr. Falcione said he was paid to make recommendations which were in the best interests of the community, and he had absolute belief in this event.

Upon conceptual approvals from Bradenton, Palmetto, and Manatee County, Mr. Falcione would then go to the Tourist Development Council to seek sponsorships, and Dave Gustafson would begin the permitting process. He requested conceptual approval from Council today, and would request the same from the City of Palmetto on March 3rd.

Mayor Poston affirmed that it was to be a fully sponsored event with no monies to come from the Downtown Development Authority.

City Clerk & Treasurer, Carl Callahan, clarified that the approval of the conceptual plan would just be the first step to begin the process of meeting various contingencies, obtaining necessary board approvals, creating a memorandum of understanding between the City and ISM-USA, and acquiring the necessary permits and regulatory approvals.

Discussion: Concern about safety of manatees and the river's ecosystem. In the winter months, manatees normally move out of the river into warmer waters, and the shallow boats which would be used should not damage grasslands.

MOTION TO APPROVE THE POWERBOAT REGATTA ON THE MANATEE RIVER CONCEPTUAL PLAN WITH THE CONTINGENCIES THAT THE NECESSARY BOARD APPROVALS BE OBTAINED, SUCCESSFUL NEGOTIATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE ISM-USA RESPONSIBILITIES, AND THE NECESSARY INSURANCE, PERMITS, AND REGULATORY APPROVALS BE OBTAINED was made by Councilman Gallo, seconded by Councilman Brown, and approved 5:0.

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) MB.14.00085: One-year extension of time for construction of retention pond at 1001 9th Ave. E.
- b) Resolution 14-11: Appointing Norma Dunwoody to Bradenton Housing Authority.
- c) Lease extension: Girl Scouts of Gulfcoast Florida Inc.
- d) First quarter budget adjustments from Planning Department.
- e) Amendment 1 to Loan Agreement SW410340 - 17th Ave. W. Bridge replacement.
- f) Public Event: Shamrock 5K Run/Walk on March 15 in downtown.
- g) Public Event: Request to move March's Main Street Live to Saturday, March 15, for St. Patrick's Day celebration.
- h) Public Event: Embracing Our Differences art display from March 30-June 2 at Riverwalk.
- i) Public Event: Sea Food Fest Water Taxi Service from April 5-7 from Riverwalk Day Dock during Sea Food Fest.
- j) Public Event: YMCA Healthy Kids Day on April 12 at Riverwalk.
- k) Public Event: Manatee Association of Realtors 100-year Anniversary on Oct. 25 at Riverwalk.

MOTION TO APPROVE Consent Agenda Items A-K was made by Councilman Gallo, seconded by Vice Mayor/Councilman Smith, and approved 5:0.

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

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

SA.13.00026 PUBLIC HEARING

Request of Mary Lasseter, agent for 26th Avenue West LLC, owner, for a Special Use Amendment to establish an Auto Repair Facility at 109 26th Avenue West (zoned UCC).

The Public Hearing was opened. Those in favor were asked to come forward. None came.

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:

STAFF RECOMMENDATION:

APPROVAL of SA.13.00026 with the following stipulations:

1. Hours of operation for Auto Repair Facility will be consistent with existing Auto Sales Center.
2. Provide exterior lighting at rear of building for security.
3. Other uses within the building will be ancillary to the Automotive Repair Facility.

PLANNING COMMISSION RECOMMENDATION (February 19, 2014):

APPROVAL of SA.13.00026 with the following stipulations:

1. Hours of operation for Auto Repair Facility will be consistent with existing Auto Sales Center.
2. Provide exterior lighting at rear of building for security.
3. Other uses within the building will be ancillary to the Automotive Repair Facility.

MOTION TO APPROVE SA.13.00026 WITH THREE STIPULATIONS was made by **Councilman Byrd**, seconded by **Councilman Roff**, and approved **5:0**.

AB.14.00030 PUBLIC HEARING

Request of Widewater Bradenton LLC, owner, for a 2COP Alcohol Beverage License to allow on-premise alcohol consumption at 309 10th Street West (zoned T6-Urban Core).

The Public Hearing was opened. Those in favor were asked to come forward. None came. 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:

STAFF RECOMMENDATION:

APPROVAL of AB.14.00030 with the following stipulations:

1. Series 2-COP license to allow for on premise consumption of beer and wine only, and in sealed containers for package sales.
2. Sign must be posted stating that alcohol consumption is on premises only.
3. Point of sale for alcohol will take place in the lobby area only.

PLANNING COMMISSION RECOMMENDATION (February 19, 2014):

APPROVAL of AB.14.00030 with the following stipulations:

1. Series 2-COP license to allow for on premise consumption of beer and wine only, and in sealed containers for package sales.
2. Sign must be posted stating that alcohol consumption is on premises only.
3. Point of sale for alcohol will take place in the lobby area only.

MOTION TO APPROVE AB.14.00030 WITH THREE STIPULATIONS was made by **Councilman Roff**, seconded by **Vice Mayor/Councilman Smith**, and approved **5:0**.

ORDINANCE 2958 SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHAPTER 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 1, DEFINITIONS BY AMENDING THE DEFINITION OF "AVERAGE FINAL COMPENSATION" AND "SALARY"; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Carl Callahan explained that this ordinance had been properly advertised and all state requirements had been met. This ordinance would codify the state agreement that limited the amount of overtime pay which could be included as pensionable. The additional vacation and sick pay which could be included as pensionable would be limited and set in place on a permanent basis.

It would also create a second tier for individuals hired after June 1, 2013 who would need to work longer to receive retirement; their multiplier would be reduced from 3.0 to 2.5; the cost of living raises would be limited between ages 55-65, and it would reduce the City's contribution from 20+% currently to a 12-15% contribution over time.

The Public Hearing was opened. Those in favor were asked to come forward. None came.

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

The Public Hearing was closed.

MOTION TO APPROVE ORDINANCE 2958 was made by Vice Mayor/Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

ORDINANCE 2959 FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 4465 STATE ROAD 64 EAST, BRADENTON, MAKING CERTAIN FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.13.00031) CHANGING THE FUTURE LAND USE DESIGNATION FROM COUNTY RESIDENTIAL-6 TO CITY SUBURBAN COMMERCIAL CORRIDOR; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2959 AND SET THE SECOND READING AND PUBLIC HEARING FOR MARCH 12, 2014 was made by Vice Mayor/Councilman Smith, seconded by Councilman Byrd, and approved 5:0.

ORDINANCE 2960 FIRST READING

AN ORDINANCE AMENDING ORDINANCE NO. 2950, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING MAP AMENDMENT (LU.13.00054) TO CHANGE THE DESIGNATION FROM COUNTY RSF-6 TO CITY SCC FOR THE PROPERTY LOCATED AT 4465 STATE ROAD 64 EAST.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2960 AND SET THE SECOND READING AND PUBLIC HEARING FOR MARCH 12, 2014 was made by Vice Mayor/Councilman Smith, seconded by Councilman Brown, and approved 5:0.

ORDINANCE 2961 FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER XVIII, BUILDING AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES PROVIDING THERETO A NEW SECTION 36 PROVIDING FOR THE DEMOLITION OF UNSAFE STRUCTURES; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR NOTICES; PROVIDING FOR EXTENSIONS OF TIME AND APPEALS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EMERGENCIES; PROVIDING FOR COSTS AND LIENING OF PROPERTY; PROVIDING AN EFFECTIVE DATE.

Mr. Callahan stated that this ordinance would establish proper procedures to assist in the demolition of properties. He said the ordinance needed to be discussed at a workshop to cover its many details and to allow sufficient time for proper advertising. He recommended that the second reading and Public Hearing of Ordinance 2961 be advertised for March 26, 2014.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 2961 AND SET THE SECOND READING AND PUBLIC HEARING FOR MARCH 26, 2014 was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilman Gene Brown, Ward II: Nothing to report.

Councilman Patrick Roff, Ward III: Said he had spoken to a successful local realtor who had told him that the downtown area has been attracting people from other areas within the state as well as outside the state, and including three new occupants in the Professional Building.

Vice Mayor/Councilman Bemis Smith, Ward IV: Brought up concerns about possible unapproved expansion by the One Stop Center.

MOTION TO REQUEST THE CITY ATTORNEY TO REVIEW THE SPECIAL USE AGREEMENT MADE WITH THE CENTER REGARDING ACCESSORY USE AND EXPANSION AND REPORT BACK TO CITY COUNCIL AT THE NEXT COUNCIL MEETING was made by Vice Mayor/Councilman Smith, seconded by Councilman Gallo, and approved 4:0 with Councilman Byrd dissenting.

Councilman Harold Byrd, Jr., Ward V: Introduced and welcomed Norma Dunwoody, the new appointee to the Bradenton Housing Authority, and Darcy Branch, the Interim Director. Ms. Dunwoody addressed Council and affirmed that she wished to be an instrument in restoring trust and faith that the community has lost.

Councilman Byrd congratulated the Southeast girls' basketball team on their State Championship win.

Lastly, Mr. Byrd stated his outrage and grief in the recent violent loss of another young man. He urged everyone to work together to create a public/private partnership to fund ShotSpotter technology which would assist in gunshot direction detection tools.

Mayor Wayne Poston: Mayor Poston said the official first game of the Spring Training games had been today in which the Pirates beat the Yankees 6:5 in front of a new opening day record-breaking crowd of 6,850.

DEPARTMENT HEADS

Carl Callahan: The anticipated 5-month long project of replacing water meters would be forthcoming in the next few weeks with notices to be delivered in the water bills and posted on the City website prior.

The Army Corp of Engineers was to begin a 2-day process of cleaning branches and debris from Wares' Creek and had requested to use vacant City property on 9th Street for daily storage of debris prior to its being trucked out daily.

MOTION TO ALLOW THE ARMY CORPS OF ENGINEERS TO UTILIZE CITY PROPERTY FOR DAILY DEBRIS STORAGE DURING THE "DRAG and SNAG" PROGRAM was made by Councilman Roff, seconded by Councilman Brown, and approved 5:0.

Mr. Callahan said a recommendation on a new phone system would be brought before Council for consideration.

Chief Edwards: Nothing to report.

Chief Radzilowski: Said that the Police Department had been working hard on maintaining its budget and was working on a new budget for next year.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 7:34 p.m.

NOTE: This is not a verbatim record. An audio CD or DVD recording of the meeting is available for a fee upon request.