

CITY OF BRADENTON
CITY COUNCIL MEETING
February 8, 2012
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, February 8, 2012.

Present: Vice Mayor and Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith, and Councilman Ward V Harold Byrd, Jr.

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

Ecumenical invocation was led by Chaplain Paul Scheele of Water's Edge Community Church.

Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston.

PROCLAMATIONS: Engineers Week – February 19-26, 2012

PRESENTATIONS: Alan Zirkelbach, Zirkelbach Construction – Progress of bus transfer station and courthouse reconstruction.

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

CITIZEN COMMENTS: None

Carl Callahan

CONSENT AGENDA:

- A. Minutes from January 25, 2012 Council Meeting
- B. EECBG Award Amendment
- C. Street Closure: Public art dedication in Village of the Arts on March 2, 2012

MOTION TO APPROVE CONSENT AGENDA ITEMS A-C was made by Vice Mayor & Councilman Gallo, seconded by Councilman Smith, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SU.11.0093 WARD 5 NEIGHBORHOOD 7.03 BMW PUBLIC HEARING

Request of Luis Tabares, agent for Harry Bakker, owner, for special use approval for a used car sales lot to be located at 704 Manatee Avenue East (Zoned T5).

The public hearing was opened to those in favor:

Chester Scott, 411 133rd St. E., architect/agent for Bradenton Auto Clinic and Luis Tabares, owner, encouraged support of this request for a special use to supplement this family-owned business. The Planning Commission had made one stipulation regarding the need to bring the building up to code in the event the business was sold.

Discussion: The Fire Marshal stated that he had no issue with the building codes under the current ownership or with the plan to park vehicles inside the building at night. Separate tenants would require adherence to different building codes.

The special use would extend to any new owner; if the owner wished to change uses, it would need to come back before Council. Additional aesthetic enhancements could make the business an attractive site.

The public hearing was opened to those in opposition. None came forward. The public hearing was closed.

Tim Polk gave the recommendations of the Planning and Community Development Department staff and the Planning Commission.

STAFF RECOMMENDATION: APPROVAL with the following stipulation(s):

- ~~1. Bring existing ADA parking space into compliance.~~

PLANNING COMMISSION RECOMMENDATION (January 18, 2012): APPROVAL with the following stipulation(s):

- 1. If business ownership is transferred to an entity outside of current owner/family/tenant, the building shall be brought up to all current codes.

MOTION TO APPROVE SU.11.0093 for special use approval for a used car sales lot to be located at 704 Manatee Avenue East (zoned T5) with one stipulation was made by Councilman Byrd, seconded by Councilman Roff, and approved 5:0.

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**LU.11.0049 FIRST READING OF ORDINANCE 2935**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE TO INCLUDE MINOR TEXT AMENDMENTS PERTAINING TO SIGNAGE STANDARDS, FENCE STANDARDS, MARINA FACILITY REQUIREMENTS; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Tim Polk said he had discussed text specifics with area businesses impacted by these amendments and had received their input. It is staff's belief that these proposed text amendments will allow for greater design and development flexibility within the Form-Based Code regulated area of Bradenton. These amendments will enhance as well as establish general and specific criteria necessary for increasing the quality of developments within the Form-Based Code area. He then gave the recommendations of the Planning and Community Development Department staff and the Planning Commission.

The public hearing was opened to those in favor.

**Ben Bakker, 2316 55<sup>th</sup> Ave. W.**, longtime member of the signage industry, had attended some of the original FBC meetings. He realized that there could be some confusion caused by the terminology. He had discussed the language confusion with Planning and now endorsed the text amendments which, he feels, will add clarity.

The public hearing was opened to those in opposition. None came forward. The public hearing was closed.

**STAFF RECOMMENDATION:** APPROVAL based on the Findings of Fact and Analysis of the proposed text amendments.

**PLANNING COMMISSION RECOMMENDATION (January 18, 2011):** APPROVAL based on the Findings of Fact and Analysis of the proposed text amendments.

**MOTION TO APPROVE THE FIRST READING AND SET THE SECOND READING AND PUBLIC HEARING OF ORDINANCE 2935 FOR FEBRUARY 22, 2012 was made by Councilman Smith, seconded by Councilman Byrd, and approved 5:0.**

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER VI, ALCOHOLIC BEVERAGES, SECTION 6-4 BY ADDING THERETO A PROVISION PROHIBITING THE POSSESSION OF OPEN GLASS BOTTLES UPON ANY PUBLIC RIGHT OF WAY OR PUBLIC PARKING LOT; PROVIDING FOR EXCEPTIONS FOR COLLECTING AND RECYCLING SUCH CONTAINERS; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING AND SET THE SECOND READING AND PUBLIC HEARING OF ORDINANCE #2937 FOR FEBRUARY 22, 2012 was made by Councilman Smith, seconded by Councilwoman Barnebey, and approved 5:0.

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

Claude Tankersley

RESOLUTION NO. 12-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AWARDING THE CONSTRUCTION CONTRACT FOR THE 9th AVENUE WEST BRIDGE REPLACEMENT AS APPROVED FOR FUNDING UNDER THE STATE REVOLVING LOAN PROGRAM AS PROJECT NO. SW410320 AND AUTHORIZING THE MAYOR OR THE CITY CLERK AND TREASURER TO EXECUTE SAID CONTRACT FOR AND ON BEHALF OF THE CITY UPON THE APPROVAL OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Mr. Tankersley stated that 3 very close bids had been received with variations of less than 2/10 of one percent. He wished to request approval of the bid award to local contractor, Woodruff & Sons, and to get approval for the budgeting of \$1,791,566.77 which includes a 10 percent contingency above the bid award.

MOTION TO APPROVE RESOLUTION 12-02 TO AWARD THE BID TO WOODRUFF & SONS AND APPROVE THE BUDGET REQUEST was made by Councilman Roff, seconded by Councilwoman Barnebey, and approved 5:0.

Carl Callahan

Interlocal Agreement

Mr. Callahan gave an overview of the interlocal agreement between the City of Bradenton and Manatee County for purposes of funding capital improvements at McKechnie Field. He said that work had been ongoing for the better part of a year with the Tourist Development Council and Manatee County to work out the details of the financing to be able to go forward with the next phase of redevelopment of the field designed to maintain and enhance the facility.

Manatee County Commissioner John Chappie commended the City for its leadership in helping make our area a sports destination which will add to the economy and quality of life. Trevor Gooby, Director of Florida Operations for the Pittsburgh Pirates Association, stated that he appreciates the good relationship that the Pirates have with the city and county. The goal is to make McKechnie useable 365 days per year.

MOTION TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF BRADENTON AND MANATEE COUNTY for the purpose of funding capital improvements at McKechnie Field was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

RESOLUTION 12-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, (THE "CITY") AUTHORIZING THE ISSUANCE BY THE CITY OF A NOT EXCEEDING \$8,500,000 CAPITAL IMPROVEMENT REVENUE BOND, SERIES 2012, TO PROVIDE FUNDS TO FINANCE CERTAIN CAPITAL IMPROVEMENTS TO THE CITY'S SPORTS COMPLEX KNOWN AS MCKECHNIE FIELD AND PAY ALL OR A PORTION OF THE COSTS ASSOCIATED WITH THE ISSUANCE OF SUCH BOND; ACCEPTING THE PROPOSAL OF BANK OF AMERICA, N.A. TO PURCHASE SUCH BOND PURSUANT TO A NEGOTIATED PRIVATE PLACEMENT; AUTHORIZING THE EXECUTION AND DELIVERY AND THE SUBSTANTIAL FOR A LOAN AGREEMENT BETWEEN THE CITY AND BANK OF AMERICA, N.A.; AUTHORIZING THE REPAYMENT OF SUCH BOND FROM CERTAIN PLEDGED REVENUES, AS FURTHER DESCRIBED HERIN AND IN THE LOAN AGREEMENT;

RETIFYING CERTAIN ACTIONS TAKEN PRIOR TO THE DATE HEREOF BY REPRESENTATIVES OF THE CITY INCLUDING, WITHOUT LIMITATION, WITH RESPECT TO ACCEPTING THE PROPOSAL FROM BANK OF AMERICA, N.A.; DELEGATING CERTAIN AUTHORITY TO THE MAYOR, MAYOR PRO-TEM, CITY MANAGER, CITY CLERK, CITY ATTORNEY, BOND COUNSEL, OTHER OFFICERS OR REPRESENTATIVES OF THE CITY, IN CONNECTION WITH THE ISSUANCE OF THE BOND; PROVIDING FOR REPEAL OF INCONSISTENT PROVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE RESOLUTION 12-03 for a bond resolution and loan agreement with Bank of America not to exceed \$8.5 million to fund improvements at McKechnie Field was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

BUSINESS BY APPOINTMENT - None scheduled.

Mayor Poston stated there was one individual who had missed the Citizen Comments portion of the meeting, but who would like to speak, and called her forward.

Anita Rogers, 515 First Ave. E., and speaking on behalf of the neighbors **Andrea Ellis, 513 First Ave. E., Ernestine Davis Family, 504 First Ave. E., Callan Family, Riverside Drive E., and residents on corner of 6th St. E. & 1st Ave. E.,** brought up concerns about Tarpon Pointe Grill & Tiki Bar being incompatible with a residential neighborhood. Ongoing problems with public intoxication and indecency, loud music, traffic, and other disturbing actions continue to be experienced by the neighborhood residents. Ms. Rogers requested Council to give consideration to requiring enclosure for the bands, encouraging a cut-off time for drinking, or anything else that would enable the residents to be able to live in peace.

Tim Polk stated that he has brought forward the concerns of the neighbors to the owner of the facility and a meeting is scheduled to discuss these issues and the terms of compliance.

Councilman Gallo recommended that a neighborhood watch association be established and that the police department continue to be utilized to enforce the law.

COUNCIL REPORTS

Vice Mayor & Councilman Gene Gallo, Ward I: Announced that former Bradenton Fire Department Lieutenant, Wally Sobek, had passed away on Feb. 7, 2012. He offered his sincere condolences to the family.

Mr. Gallo said he had attended a game of the newly formed MHS Lacrosse team and had been very impressed.

Councilwoman Marianne Barnebey, Ward II: Reminded everyone that the “*Concert in the Garage*” will be held on Friday, Feb. 10, at 6:00 p.m. at Jake’s Automotive, at which Councilwoman Barnebey will serve as Master of Ceremony. Along with a variety of classic cars, a Mini-Cooper previously owned by Paul McCartney, will be on display. This is a fundraiser for all of the orchestra programs for King Middle School, Sugg Middle School, and Manatee High School.

Crimestoppers will be holding an event entitled, “*Fight Crime with Fine Wine*” on Saturday, Feb. 11th at the Bradenton Country Club.

Councilwoman Barnebey also congratulated the Manatee High School Sugarcane who had finished 9th in the nation in the dance competition.

Councilman Patrick Roff, Ward III: Announced that on Feb. 7th he had attended an artists’ reception in Sarasota which had featured a local artist who lives in Ward 3.

Stated that last Tuesday, January 31st, the first amounts of sediment had been removed from Ware’s Creek. To date, approximately 70 truckloads had been removed, with a goal of reaching 25 per day.

Councilman Roff referred to an arsonist who had been striking in the downtown area, and asked that the photo obtained from surveillance video be dispersed to as many people as possible. The Police Department is going door-to-door and plastering the area with the photo. The Fire Department is working with the State Fire Marshals’ office, the ATF, and FACAP, which sponsors up to a \$5,000.00 reward for the apprehension of such individuals.

Councilman Bemis Smith, Ward IV: Nothing to report.

Councilman Harold Byrd, Ward V: Reminded everyone that there would be a Town Hall meeting on Wed., Feb. 15, at 2:00 in the City Hall Council Chamber to seek public comment on the proposed grocery store to be located at 13th Ave. W. and 1st Street.

Mayor Wayne Poston: Announced that the State Champion Manatee High School Hurricanes football team had ranked 8th in the nation and had been acknowledged at a special ceremony during which the City presented a proclamation, not only to the school, but to all of the 65 members of the team, each with their own name on it.

The mayor said that a property deal to allow the One Stop Center to purchase property for administrative offices had fallen through. A new option for the property will be sought. Tim Polk has been in discussion with county staff and will bring something back before Council as soon as possible.

The mayor also said that he had recently toured the new baseball, softball, and tennis facilities at the State College of Florida which is partnering with IMG. The baseball field just won an award as one of the top college fields in the country. He recommended that everyone take the opportunity to tour our acclaimed sports facilities.

DEPARTMENT HEADS

Carl Callahan: Thanked everyone for their diligence and cooperation over the past couple of years to make the McKechnie renovation a reality.

Chief Edwards: Expressed his sympathies to the Wally Sobek family in the loss of a good man.

Gave an update on the regional grant which BFD had received to replace the aging 800-megahertz radios. The grant award was approximately \$130,000, with a 20% matching fund, and will assist the department to remain compliant with coming technology.

Chief Edwards had received a call from the State Fire Marshal to inform him that he had signed off on DHS funds in the amount \$9,000.00 in funding to be used for training in the Homeland Security group.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 10:11 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.