

CITY OF BRADENTON
CITY COUNCIL MEETING
July 16, 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, July 16, 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; Tim Polk, Department of Planning & Community Development Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was given by Councilman Harold Byrd, Jr.

(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 Commissioners John Chappie and Carol Whitmore among the audience.

PROCLAMATIONS: None.

PRESENTATIONS: Commissioner Carol Whitmore and Jeannie Holmes Bystrom – “Don’t Cut the Line.”

Commissioner Whitmore and Jeannie Holmes Bystrom presented a PowerPoint presentation about the dangers to Florida’s seabirds due to entanglement in fishing lines with multiple hooks. When fishermen cut the line, the birds get snarled in it, often leading to their death. It is hoped that new legislation and education may help reduce the problem.

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

CITIZEN COMMENTS:

Larry Grossman, Longboat Key resident, expressed his concern via a letter and verbally about improper application of land use regulations regarding loss of wetlands in the Harbor Sound subdivision.

Mary Sheppard, 4220 32nd Court East, reiterated the concern about the destruction of wetlands in Harbor Sound.

Carl Callahan explained that the property in question was composed of 2.5 acres (4 lots) inserted into Perico Bay. Councilman Roff stated that state and federal permitting would still need to be obtained before development could begin.

CONSENT AGENDA:

- A. Public Event: Inaugural Twilight 5K Ghost Run/Walk/Oct. 18 downtown.
- B. Public Event: Bradenton Blues Fest/Dec. 5-6 at Riverwalk.
- C. Public Event: Music in the Park/Monthly, Jan.-May 2015 at Riverwalk amphitheater.
- D. Public Event: Pickin’ Picnic/May 23, 2015 at Riverwalk.
- E. Reduction to current Permit Fee schedule.
- F. Resolution 14-26: 2014-17 CDBG Consolidated Plan and 2014-15 Annual Action Plan.
- G. Resolution 14-27 reappointing Thomas Vorpahl to the Merit Board.
- H. Resolution 14-28: reappointing Donald Bingham to the MPO Citizens Advisory Board.
- I. Minutes: June 25 City Council meeting.
- J. Budget adjustment – Judicial Center Parking Garage pay stations.

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

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SU.14.00118 WARD 4 NEIGHBORHOODS 1.01 PUBLIC HEARING

Request of Fawley-Bryant Architects, agent, for Manatee County Government, owner, for Special Use approval to establish an Electric Substation (Chilled Water Facility) at 323 9th Street West (zoned T-6 Urban Core).

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

J.B. Taylor, Fawley-Bryant Architects, agent for Manatee County, presented an overview of the features of the proposed Central Energy Plant.

David Thompson, Manatee County Property Management, Building Services Division, said that the plant would take up only about 25% of the current parking lot of the Property Appraiser's Office and those displaced would be accommodated within the County Administration parking garage.

Discussion of the possible removal of a building which houses a massive air handler next to the Southtrust building. Per Councilman Gallo, a gas tank could be beneath the building which could now be removed.

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

The Public Hearing was closed.

Tim Polk gave the Staff and Planning Commission recommendations for approval with 5 stipulations.

STAFF RECOMMENDATION:

APPROVAL of SU.14.00118 with the following stipulations:

1. Hours of operation as stated by the applicant: 24 hours
2. Any/all easements on property must remain clear of obstruction.
3. Building setbacks for the chiller plant will be as noted on the site plan prepared by Fawley-Bryant Architects dated 1/17/2013.
4. Building design, landscaping, and signage to meet Form-Based Code standards.
5. Noise mitigation measures shall be taken to minimize impact on nearby residents.

PLANNING COMMISSION RECOMMENDATION (July 9, 2014):

APPROVAL of SU.14.00118 with the following stipulations:

1. Hours of operation as stated by the applicant: 24 hours
2. Any/all easements on property must remain clear of obstruction.
3. Building setbacks for the chiller plant will be as noted on the site plan prepared by Fawley-Bryant Architects dated 1/17/2013.
4. Building design, landscaping, and signage to meet Form-Based Code standards.
5. Noise mitigation measures shall be taken to minimize impact on nearby residents.

MOTION TO APPROVE SU.14.00118 with 5 stipulations was made by Vice Mayor/Councilman Smith, seconded by Councilman Roff, and approved 5:0.

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

Carl Callahan, City Clerk & Treasurer

2014-15 School Resource Officers Program Agreement between Manatee County School Board and the City of Bradenton Police Department

Councilman Gallo inquired of Chief Radzilowski if the school system had instituted the safety plans which the Chief and Sheriff Steube had recommended for every individual school about 2 years ago. Chief Radzilowski said he was not aware of any having been instituted. He offered to contact the Superintendent and offer a follow-up evaluation for each school. The Chief said that all officers are highly trained in how to respond to a situation in a school; however, having a uniform safety program adopted by the school system would be more helpful for all.

MOTION TO APPROVE THE 2014-2015 School Resource Officers Program Agreement was made by Councilman Roff, seconded by Councilman Brown, and approved 5:0.

Red Light Camera Contract Renewal – The contract was due to expire in August, and has been in effect for 5 years. It allowed could be renewed for 1 or for 2 years. With potential changes in state laws, it was confirmed that the city would be allowed to get out of the contract, if need be. Terms had also been added to ensure staying revenue neutral so that the City would not incur future liabilities should revenues not be generated. The city received a fixed amount per light, and one half of the fees generated go to the state. Court costs and administration fees must be deducted. Approximately \$150,000 was the city’s portion last year.

Discussion of accidents at intersections and personal driving habits having been changed by the cameras.

MOTION TO RENEW THE RED LIGHT CAMERA CONTRACT FOR TWO YEARS was made by Councilman Brown, seconded by Councilman Byrd, and approved 4:1 with Vice Mayor/Councilman Smith in opposition.

Tentative Millage Rate and Public Hearing Dates – Mr. Callahan stated that the tentative millage rate needed to be set prior to August 1st. He recommended it remain the same as it currently was. To accommodate the legal requirements for public notice of the Public Hearings on the Budget, Mr. Callahan recommended September 10th and 24th at 5:01 p.m.

MOTION TO SET THE PUBLIC HEARINGS FOR SEPTEMBER 10TH AND 24TH AT 5:01 p.m. was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

MOTION TO SET THE TENTATIVE MILLAGE RATE AT 5.8976 was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

BUSINESS BY APPOINTMENT - None.

COUNCIL REPORTS

Mayor Wayne Poston: Mayor Poston said that the Pirates and Marauders continue to do well.

The Mayor stated that the managers of the DaVinci Exhibition had requested extended use of the auditorium for other various events. He suggested it be discussed at the next City Council Workshop.

Councilman Gene Gallo, Ward I: Expressed his sincere condolences to the Shannon family in the loss of Mrs. Shannon. The family had not long ago previously lost a son.

Councilman Gallo brought up the topic of the Pedal Pub, a multi-seated bicycle which allows for drinking by the riders, which had been featured in an article in the Bradenton Herald. He asked about the requirements which the business would be subject to. Mr. Lisch stated that we do not currently have an ordinance against its operation as long as it is properly licensed to be allowed on the street.

Discussion about the perception of drinking in the open, Bradenton’s reputation, and traffic obstruction. Clarification that the driver of the vehicle is an employee and not allowed to drink, the beverages are in cups, the passengers cannot carry alcohol on or off the vehicle, and no hard liquor is permitted.

Councilman Byrd suggested that ordinances of other cities be reviewed and the topic be discussed at a City Council Workshop.

Councilman Gene Brown, Ward II: Councilman Brown also extended his sympathies to the Shannon family.

He offered his thanks to Claude Tankersley on the street paving that was currently being done, especially in the school zones while school is out. In reference to the installation of the proposed chiller infrastructure, he asked Mr. Tankersley if the paving plan would take into consideration the underground infrastructure to avoid paving a street then tearing it up. Mr. Tankersley said that that had indeed been taken into consideration regarding the paving program.

Mr. Callahan interjected that detailed planning with Manatee County had also been done to allow for a greater overview of all proposed projects in the area.

Councilman Patrick Roff, Ward III: Councilman Roff said that he was surprised to hear the negative comments about the PedalPub and perceptions of Bradenton. He stated that he had heard only positive feedback from citizens about the progressiveness of Bradenton in activity, arts and culture, and new developments.

Mr. Roff said that on July 22nd, he would be attending the Greater Tampa Bay Economic Development meeting, the first meeting of this kind in this area to promote job growth and a greater economy for the region. He had been invited by the Suncoast League of Cities as the treasurer of the Manasota League and a member of the Tampa Bay Regional Planning Council. Two weeks ago, he had met with the Director of the Tampa Bay Regional Planning Council who is working very hard to bring Bradenton into the greater Tampa Bay area as he is very impressed with what we have been doing and is steering visitors here.

Councilman Roff stated that he was glad that Mr. Brown had brought up the road paving topic. He mentioned that on 7th Avenue there is a major infrastructure project underway which had been the result of long-term engineering studies which had begun due to the excellent planning for replacement to our outdated water pipes.

Mr. Roff also said he was pleased to have been part of all the great things which have occurred even during the worst of fiscal times and is glad that normal times seem to be returning now.

Vice Mayor/Councilman Bemis Smith, Ward IV: Vice Mayor Smith also expressed thanks to Claude Tankersley and the Public Works Department employees who have been working hard to complete the River Isles ditch piping project. He also mentioned that the Councilors had been contacted by an individual who had brought to their attention that the Riverwalk was not handicapped accessible. Since that realization, Public Works had made the necessary changes to make it properly accessible, and Mr. Smith expressed his appreciation.

Councilman Harold Byrd, Jr., Ward V: Councilman Byrd joined his colleagues in expressing condolences to the Shannon family. He also expressed his thanks to Tim Polk and the Central Community Redevelopment Agency for their diligence in following through with efforts to join forces with pastors and church members to fight violence in the community. He had had his third official meeting yesterday with the Faith Based Alliance, and each time the numbers have grown and many positive plans have come forth.

DEPARTMENT HEADS

Carl Callahan: The City Centre 16-year-old AC units need to be repaired which will cost approximately \$20,000, so a budget adjustment will need to be done. It would be done in conjunction with the current roof repair. He requested approval from Council.

MOTION TO APPROVE TO APPROVE THE EXPENDITURE OF \$20,000 FOR AC REPAIR was made by Councilman Gallo, seconded by Councilman Brown, and approved 5:0.

Mr. Callahan then said, that with Council's approval, he would like to continue to pursue a possible agreement to allow Stan Schultes and his incubator economic development group, which is seeking 501 3C status, to utilize the former Housing building on 6th Street which has been sitting idle for some time.

Chief Edwards: Nothing to report.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Thanked Mr. Smith for his comments about the River Isles ditch work project, and said that by doing the work in-house, it had saved \$90,000. The teams that had come together to do this large project had taken great pride in their work.

Mr. Tankersley stated that the water main replacement project will be ongoing for the next 10 years at a cost of \$2 million per year. It is a strategic plan which will also incorporate the paving program which is being funded by gas tax money, CDGB funds, and the water main project.

Two bike racks will be installed at the Riverwalk pavilion to accommodate the patrons who ride their bikes to the many public events.

Mr. Tankersley then stated that the contractor who was doing the work on both the water main project and the 13th Avenue urban grocery store, could remain on schedule if he used an open-cut method on 13th Street rather than the originally planned directional drilling. To accommodate his schedule, Mr. Tankersley requested approval from Council to allow a one-day road closure of 13th Avenue West.

MOTION TO APPROVE A ONE-DAY ROAD CLOSURE of 13th AVENUE WAS MADE BY Councilman Byrd, seconded by Councilman Brown, and approved 5:0.

Discussion about work being done at the new WA WA development and the movement and replacement of the water main under the construction site.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 10:33 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.