

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**November 19, 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, November 19, 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; Chuck Edwards, Fire Chief; Tim Polk, Department of Planning & Community Development Director; Claude Tankersley, Public Works & Utilities Director; Michael Radzilowski, Police Chief; and Bill Lisch, City Attorney.

The pre-meeting invocation was given by Pastor Nick Manassa, Resonate Life 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.

**PROCLAMATIONS:**

**Manatee High School Girls Varsity Volleyball Team Day – Nov. 19, 2014**

**Coach Tony Cothran, Assistant Coaches Kimlyn Wilson, and Jocelyn Geraldson**, and the entire team accepted the proclamation in recognition of winning their first Class 8A State volleyball title. Individual proclamations were also presented to each girl on the team.

**PRESENTATIONS: None.**

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

**CITIZEN COMMENTS:**

**Dr. Napoleon Mills** stepped forward to introduce **Mr. Ellis Mitchell**, new Chairman of the Bradenton Housing Authority. Mr. Mitchell expressed his enthusiasm and dedication to serving the community.

**CONSENT AGENDA:**

- A. Public Event: Craft Fair & Carols in the Courtyard on Dec. 4 outside the County Administration Bldg.
- B. Public Event: Sounds of the Season on Dec. 5-6 on Old Main Street.
- C. Public Event: Windjammers Unlimited Circus Band on Jan. 17 at Riverwalk Pavilion.
- D. Public Event: Falcon 5K River Run on Feb. 7 in downtown Bradenton and Palmetto.
- E. Budget adjustment – Solid Waste Division.
- F. Minutes: City Council meeting of Oct. 22.
- G. Resolution 14-47: CDBG 2012-13 and 2013-14 program years substantial amendment.
- H. Resolution 14-46: Appointing Brian Metrocavage to the Code Enforcement Board.
- I. Resolution 14-45: Appointing Stewart Moon to the Planning Commission.
- J. Forfeiture Fund request.
- K. Renewal of Mutual Aid Agreement with the City of Sarasota.
- L. MB.14.0689: Cottages at San Lorenzo PDP Extension of Time.

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

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

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

**ORDINANCE #2966 SECOND READING AND PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE INCLUDING MODIFICATIONS TO SIGNAGE STANDARDS SPECIFIC TO THE VILLAGE OF THE ARTS OVERLY DISTRICT; PROVIDING FOR CORRECTION OF TYPOGRAPHICAL ERRORS; AND PROVIDING AN EFFECTIVE DATE.

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

**Bonnie Brown, Village of the Arts resident and business owner**, expressed her appreciation to the City for its support to help the Village grow and succeed. She said she eagerly supported this ordinance which would result in improved signage for the businesses in the district.

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 recommendation for approval and said that a 30-day grace period would be applied to allow the businesses to come into compliance.

**MOTION TO APPROVE ORDINANCE #2966 was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.**

**Tim Polk, Planning & Community Development Director – Villages at Riverwalk**

Mr. Polk provided a history of the subject property which had originally been the site of the proposed development known as Riviera Southshore. Under the current PDP Settlement Agreement, Wells Fargo Bank had hired Urban Land Institute to do an analysis of the site to determine if it could be developed by one developer or multiple developers.

Policy directives from the City Council had outlined what the City wished to see developed on the site. The City had accepted numerous inquiries from potential developers. Staff had met with some of the development teams, but only one team had gone forward to create a conceptual plan and development agreement. Staff had met with them over the past three months to discuss specifics, and the concept had been brought before Council at the November 5<sup>th</sup> workshop.

**Ron Allen, NDC Construction Company, representative for Hatfield Development, filled in for Ed Vogler, who had been detained.** He also discussed the history of the site, and the resultant concerns that Wells Fargo would sell it to outside developers who did not have any commitment to the community. With the huge success of Riverwalk, it would be wise to build upon that success. Toward that goal, discussion had been generated regarding moving Glazier Gates Park to the back of the property to extend Riverwalk to a total of 2 ½-3 miles in length.

He provided an overhead presentation of the proposed Villages at Riverwalk development, composed of retail, retail work-unit lofts, townhomes, two apartment projects, and all amenities. The 490-unit apartment complexes would consist of three-story walkups along Manatee Avenue and include three-story over one-story parking. Open access to the park and water would be maintained by the creation of corridors and an east/west access. Within the conceptual drawings, two white pockets existed which represented personal property owners who did not wish to be part of the development.

Vice Mayor/Councilman Smith inquired which private property owners had been contacted as he had heard from several who stated they had never been contacted by anyone since the previous developer had been involved. Mr. Allen replied that contact had been attempted to all of the owners.

Mr. Allen continued with the description of the extension to Riverwalk Park which would be realized in the park swap. The amount of land gained in the park extension would be greater than what would be transferred in the swap of Glazier Gates Park.

**Ed Vogler** arrived and assumed the continuation of the presentation and added further historical details of the fractured neighborhood which was still in two ongoing litigations. Wells Fargo had obtained the land through foreclosure on the failed development.

Mr. Vogler indicated that he hoped the City Council would complete the following steps:

1. Approve the Predevelopment Agreement. This would provide for conceptual approval of the concept plan and create the framework for resolution of the pending litigation and a reshaping of the project from a high-rise to low-rise plan which was consistent with recent amendments made by City Council to the land use designations for this property.
2. Approve in concept a Park plan that would support the exchange of properties contemplated by the Predevelopment Agreement.
3. Arrange for a formal approval of the very same roadway vacations approved in 2007. This concept was conceptually approved in the Predevelopment Agreement, but a formal process would ultimately be required.

He then outlined some points about the proposed development:

1. The potential exchange of lands (Glazier Gates Park moved to rear to accommodate extension of Riverwalk) was in the best interest to the City and citizens.
2. Land use Planning had come into play via Form Based Code which had resulted in designation of the area as Urban Village. In the settlement agreement, the Due Diligence Contract would expire November 21, 2014. In summary, it would be necessary for City Council to take action today as the developer must have good title to property.
3. The development would be a nice Urban Residential Mixed-Use community which would mirror the present architecture and feeling.
4. It would include an area of restricted access which is a desirable amenity for many individuals.
5. The developer would move and rebuild an old lift station.
6. Retention structures would be built in the right places to accommodate the project and park.

Discussion: Litigation settlement, gaps in development details, gated community option, design appeal, and remaining property owners.

**Jackie Atwood, 1010 Riverside Drive East**, said that she owned one of the properties which were designated by white space. She stated the no one had approached her regarding the proposed development and that she had been completely unaware of it until last week. She asserted that no public notice had been properly given. She expressed her concern that being completely surrounded by a park would be dreadful.

Councilman Smith also expressed his discomfort that the manner in which this pre-development agreement had been presented had not been as transparent as it should have been. He brought up concerns about the current residents, the closeness of the road to Riverwalk, the road extensions and public access, the gated community, the disposition of public lands in the swap, and the number of loose ends left in the conceptual plan. He said he liked the general development, but was uncomfortable with the rush in approving the project.

Carl Callahan explained that the project and Predevelopment Agreement had been reviewed two weeks ago at a workshop and that today's pre-development agreement included only a few changes which had been made following the city attorney's suggestions.

Discussion: The development seemed like a good project, the residents would need to be properly accommodated to ensure privacy, the road extension options, the opportunity to make Riverwalk a great park, the removal of credits for park impact fees, and the loss of a neighborhood park.

**Ed Vogler** said this is a good economic development plan and a good project. He urged Council not to view this as a bad plan but see it for the good plan that it is.

Councilman Roff stated that this is a very unusual situation in which the property is still owned by Wells Fargo and that the developers may not be able to acquire title.

**MOTION TO DENY ACCEPTANCE OF THE PREDEVELOPMENT AGREEMENT AND REQUEST THE DEVELOPERS TO COME BACK TO COUNCIL WITH A DIFFERENT PLAN** was made by Vice Mayor/Councilman Smith. The motion died for lack of a second.

Councilman Byrd asked that a **formal commitment** to work with all parties, residents, community, and developers, be added to any approval motion.

**MOTION THAT COUNCIL COMMIT TO SEE THAT THE CONCERNS OF THE IMPACTED CITIZENS BE ADDRESSED** was made by Councilman Gallo, seconded by Councilman Roff, and approved 4:1 with Vice Mayor/Councilman Smith in opposition.

Ms. Atwood requested a written agreement stating that the City would never take her property by Eminent Domain. Mr. Lisch stated that future Councils could not be held to such agreement.

**MOTION TO APPROVE THE PRE-DEVELOPMENT AGREEMENT** was made by Councilman Roff, seconded by Councilman Byrd, and approved 4:1 with Vice Mayor/Councilman Smith in opposition.

Mayor Poston said that the concern expressed by Council that the developers work with the two impacted residents was very apparent. The developers agreed to do so.

**BUSINESS BY APPOINTMENT** - None.

### **COUNCIL REPORTS**

**Councilman Gene Gallo, Ward I:** Was very thrilled about the Manatee High School girls' volleyball title win - which was a great thing for the team and the community. He wished everyone a happy Thanksgiving.

**Councilman Gene Brown, Ward II:** Also extended kudos to the MHS girls' volleyball team and reminded everyone to attend the Hurricane's playoff game this Friday night against Vero Beach.

**Councilman Patrick Roff, Ward III:** Thanked Tim Polk, Claude Tankersley, and Brady Woods for their work with the Village of the Arts residents to reach agreement on the signage issue.

**Vice Mayor/Councilman Bemis Smith, Ward IV:** Sent out happy birthday wishes to his son, McRae, who will turn 16 on Friday - and cautioned fellow drivers.

**Councilman Harold Byrd, Jr.:** Apologizing to his Alma Mater, Southeast High School, Councilman Byrd also congratulated the MHS volleyball team.

He welcomed Mr. Ellis Mitchell as Executive Director of the Bradenton Housing Authority.

Lastly, Councilman Byrd thanked former City Councilwoman Marianne Barnebey for her 18 years of service in heading up *Winter Wonderland*. He encouraged building on the established success and making a positive transition into *Sounds of the Season*, this year's holiday event. He wished all a happy Thanksgiving.

**Mayor Wayne Poston:** Also extended wishes to all for a happy Thanksgiving.

### **DEPARTMENT HEADS**

**Carl Callahan:** Requested approval of the Metro PCS lease for access on the 6<sup>th</sup> Avenue Tower subject to final approval by Public Works and receipt of a statement of no impact from the consultant.

**MOTION TO APPROVE THE LEASE WITH METRO PCS** was made by Councilman Roff, seconded by Councilman Byrd, and approved 5:0.

**Chief Edwards:** Nothing to report.

**Chief Radzilowski:** Happy Thanksgiving to all.

**Claude Tankersley:** Mr. Tankersley responded to an inquiry from Councilman Brown to explain that the City was undergoing a 10-year water main replacement project which involved replacing \$2 million of water mains per year. This year's project would be completed prior to the end of the year. Until all of the water mains were replaced, temporary road patches would be done until all the roads could be repaved at once. Having all the roads repaved at once would result in a substantial cost savings.

**Tim Polk:** Said that he was happy to report that he would be celebrating his 39<sup>th</sup> wedding anniversary on Saturday, Nov. 22<sup>nd</sup>, which had started as a City Hall romance at a different City Hall.

**Bill Lisch:** Extended wishes to all for a happy Thanksgiving.

There being no further business, Mayor Poston adjourned the meeting at 11:15 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.