

CITY OF BRADENTON
CITY COUNCIL MEETING
September 23, 2015
6:00 P.M
MINUTES (Amended)

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, September 23, 2015.

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

City Officials: Carl Callahan, City Administrator; Michael Radzilowski, Police Chief; Claude Tankersley, Public Works and Utilities 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 Peggy Kerwin, Executive Director, SOLVE Maternity Homes.
(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 Mayor Poston.

PROCLAMATIONS: None.

PRESENTATIONS: **Sister Schools Program – Eddie Robinette**

Eddie Robinette gave a PowerPoint presentation on the work being done by the Manatee Riverside Rotary Club, partnering with Johnson Middle School, Wakeland Elementary School, and Southeast High School under the International Baccalaureate Program to reach out to aid impoverished school students in Guatemala.

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

CITIZEN COMMENTS:

Richard Lewis, 2104 13th St. West, expressed his concern about increasing drug and illegal activities being observed on 13th Street West. He requested a street light be installed at the southeast corner of 13th Street West and 21st Ave. West.

Sandra Ripberger, representing the Sierra Club, Debbie Wilcox, 334 Castaway Cay, and Joe McClash, 711 89th Street NW, individually voiced their opposition to the Harbor Sound Development on the basis that it was against the City's Comprehensive Plan, had not been properly heard at a public hearing, and would destroy invaluable coastal wetlands. Mr. McClash displayed maps, renderings, permit copies, and memos displaying discrepancies in zoning, permitting, and conservation observation rules.

CONSENT AGENDA:

- a) Police Department Forfeiture Fund requests.
- b) Public Event: Sister Schools Fiesta on Oct. 10 on Fourth Ave. W., just east of Old Main St.
- c) Public Event: First Families Fall Festival on Oct. 30 at First Baptist Church. This includes the closure of Fourth Ave. and 13th St. west.
- d) Public Event: Old Main Halloween Party on Oct. 31 on Old Main St.
- e) Public Event: Coldwell Banker Cares Walk 2015 on Nov. 21 at Riverwalk.
- f) Public Event: Thanksgiving Eve on Nov. 25 on Old Main St.
- g) Public Event: New Year's Eve on Dec. 31 on Old Main St.
- h) Public Event: Bradenton Regatta Opening Event on Feb. 5 on Old Main St.
- i) Public Event: Falcon 5K River Run in downtown and Green Bridge on Feb. 6.
- j) Public Event: Bradenton Regatta Closing Event on Feb. 6 on Old Main St.
- k) Public Event: St. Patrick's Day Celebration on March 17 on Old Main St.
- l) Public Event: Main Street Live! on April 21 on Old Main St.

- m) Public Event: Cinco de Mayo on May 5 on Old Main St.
- n) 2016 City Calendar – City Council meetings and holidays.
- o) Wellness Fund expenditure.
- p) Resolution 15-38: Subordination agreement.
- q) Budget Adjustments – Police Department.
- r) Authorization to negotiate a contract between City and HDR Engineering to provide services in support of Sidewalks to Schools LAP project.
- s) Lease Agreement with Verizon for the installation of cell tower equipment on Water Tower #5.
- t) Interlocal Agreement with Manatee County for the Cedar Hammock West Drain Culvert Project.

MOTION TO APPROVE Consent Agenda Items A-T was made by Councilman Byrd, seconded by Vice Mayor Brown, and approved 5:0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

RESOLUTION 15-37 PUBLIC HEARING

A RESOLUTION AMENDING THE FEE SCHEDULE ADOPTED BY RESOLUTION 08-32 AND RESOLUTION 10-48 BY PROVIDING FOR AN INCREASE IN FEES FOR GARBAGE TRASH AND RECYCLING, CHAPTER 58, SECTION 61 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, AND PROVIDING AN EFFECTIV DATE.

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

Those in opposition were invited to come forward. None came. The Public Hearing was closed.

MOTION TO APPROVE RESOLUTION 15-37 was made by Councilman Roff, seconded by Councilman Byrd, and approved 4:0. (Councilman Gallo was out of the room.)

Mr. Callahan read the following related Public Hearing requests:

ORDINANCE 2970 SECOND READING AND PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 1015 MANATEE AVENUE EAST, BRADENTON (ALSO KNOWN AS GLAZIER GATES PARK) 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 COMPREHENSIVE LAND USE PLAN AMENDMENT CP.15.2887) CHANGING THE FUTURE LAND USE DESIGNATION FROM RECREATION/OPEN SPACE TO URBAN VILLAGE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SAP.15.2888 WARD 4 NEIGHBORHOOD 7.03 PUBLIC HEARING

Request by ZNS Engineering, LC and Vogler Ashton, agents, for Bradenton Land Group, LLC and O’Reo Farms Two, LLC, owners, for a Special Area Plan (mixed use development) located generally at 1015 Manatee Avenue East (zoned T4-O and T4-R), on real property more particularly described in the application for the Special Area Plan approval.

RV.15.2892 WARD 4 NEIGHBORHOOD 7.03 PUBLIC HEARING

Request by ZNS Engineering, LC and Vogler Ashton, agents, for Bradenton Land Group, LLC and O’Reo Farm Two, LLC, owners, to vacate plats, alleys, and rights-of-way, confirm the prior vacation of certain plats, alleys, and rights of way, and to release rights of reverter on land generally located north of Manatee Avenue, south of the Manatee River, east of 10th Street East, and west of 12th Street East.

RESOLUTION NO. 15-35 PUBLIC HEARING

A RESOLUTION PURSUANT TO SECTION 2.2.7, CITY LAND USE REGULATIONS, “VACATION OF PUBLIC RIGHTS-OF-WAY” LEGALLY DESCRIBED AS FOLLOWS: The real property identified and legally described in OR Book 1872, Page 658, and OR Book 2222, Page 5227, of the Public Records of Manatee County, Florida. TOGETHER WITH: Lot 13 [a/k/a Wiggins Street], E. M Thorpe’s Subdivision, as per plat thereof recorded in Plat Book 2, Page 60, of the Public Records of Manatee County, Florida. TOGETHER WITH: A portion of a 20 foot wide alley as shown on the Plat of Paradise Farm, a Subdivision, as recorded in Plat Book 1, Page 281 of the Public Records of Manatee County, Florida, Lying Between Lots 7 and 22 and Between Lots 10, 11, 12, 17, 18, and 19 of Said Plat, Less the Northerly 20 Feet Between Said Lots 10 and 19. WHEREAS, the applicants, City of Bradenton, Bradenton Land Group, LLC, and

respectively, provided history of the proposed redevelopment of the site formerly approved in 2007 as Riviera Southshore. At that time, a private developer had planned to construct several multi-story condominium buildings. He had removed no-longer viable dilapidated homes which, due to their condition, had no historical value. That developer had been a victim of the recession and had abandoned the property.

Mr. Vogler stated the project now proposed was a superior option which was in keeping with the City's vision of creating a pedestrian-friendly downtown which would link east to west and showcase the greatest asset, the Manatee River. He stated that the **Villages at Riverwalk** would be a \$75 million investment in historic Manatee Village, create smaller residential dwellings and retail opportunities, enhance the ad valorem tax base, create impact fees for roads, fire, and police, result in a new city lift station, and create improved drainage and stormwater management systems. Development designs included relocating the existing playground to within the development for public use and to repair and replace any items necessary to make it safe.

Rachel Layton, ZNS Engineering, added that the developer would create the extension of the Riverwalk Park at his own expense to city specifications. She explained that the development of the project would be done in 3 phases, to be completed within approximately 2-3 years.

Discussion: Legalities remaining in effect from Riviera Southshore, trading of acreage sizes, removal of oak trees in the park, creation of walkability in the urban village along water access, future vision of complete linkage along Riverwalk Park.

Shary and Brian Metrocavage, 1128 Manatee Avenue East, expressed their support of the project as the neighborhood had gone into decline and nothing had been happening for many years. They felt this development would improve properties, help neighborhood businesses flourish, increase safety, and make Bradenton a destination with a vibrant downtown.

The Public Hearing was opened to those in opposition.

The following individuals spoke:

Dian Weldon, 1212 2nd Ave. E.

Adrian Reiff, 1601 12th Ave. West

Frank Lambert, 102 15th St. E.

Lydia Copeland-McNeal, 1002 3rd Ave. E.

Robert Pelot, 819 32nd St. Ct. E.

Sandra Ripberger, 7412 Riverview Dr.

Karen Willey, for FL Native Plant Soc.

Alice Carter Lawton, 1403 2nd Ave. E.

Ken McDonald, 1002 Riverside Dr. E.

Ed Copeland, 2415 17th Ave. W.

Max Forgey, Certified Planner, for Stone Soup

Barbara Elliott, 1316 56th Ave. Terrace E.

Kimberly Young Shepherd, 1420 1st Ave. E.

Jerri Lambert, 102 15th St. E.

Sherry Robinson Svekis, for Reflections of Manatee, Inc.

Mary Beth Koser, 606 3rd Ave. W.

Nancy Reeves, 112 10th St. E.

Caroline Banks, 1267 14th St., Sarasota

Jeanne Paulsen, 6806 69th St. E., Palmetto

Arlene Flissek, 4106 24th Ave. W.

Ralf Brookes, Esq., for Stone Soup Community Unity

Each expressed their opposition to the development as it was currently proposed. Reasons cited included the desire to maintain the historical neighborhood park and its mature trees; concern about density and lack of quality of proposed development; inequitable land swap in violation of City Comprehensive Plan; increased problems due to disjointed extension of Riverwalk Park; no developer contact with current homeowners; lack of public input; fragmented green space; creation of additional impervious surfaces resulting in environmental and water quality damage; extra traffic and limited street access; diminished quality of life, and apprehension about the City employing eminent domain.

In response to the concern about eminent domain, Councilman Gallo stated that the City had never used eminent domain against a resident and would not do so now.

Ed Vogler stepped forward to address many of the expressed concerns and quantified that the project was consistent with the Comprehensive Plan. He stated that there would be east/west public connection on public roads that were not gated. Other parts were gated enclaves for security purposes, which was a desirable element of multi-family living in today's society. He stressed that the benefit of trees could not be underestimated and that hundreds of replacement trees would be installed as required by code. The plan was a low-impact design which would utilize bio-swales. Sidewalks and lighting

would be installed in accordance with established design criteria on every one of the public streets that would traverse the project. The park would be designed in accordance to desires expressed by the citizens via charrettes. Mr. Vogler maintained that this was a robust public/private partnership. He reiterated the advantages which would be realized by the City and its citizens.

Councilman Gallo summarized that it was the job of council to provide services to the citizens. There were only two ways to control revenue: 1. Raise taxes 2. Generate and help development to build a bigger tax base. As a resident for 61 years, he had seen many changes. In his ward, the Perico Bay development had been strongly opposed by the county, the beach communities, the Sierra Club, and many others. But the Council had stood firm and it was now considered one of the best developments we have.

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

CP.15.2887 WARD 4, NEIGHBORHOOD 7.03 PUBLIC HEARING

Request for a Small Scale Comprehensive Plan Map Amendment for Glazier Gates Park; located at 1015 Manatee Avenue East, from Recreation/Open Space to Urban Village.

STAFF RECOMMENDATION:

APPROVAL of CP.15.2887 based on the Findings of Fact and Analysis of the proposed Small Scale Comprehensive Land Use Plan Amendment.

PLANNING COMMISSION RECOMMENDATION (August 19, 2015): APPROVAL of CP.15.2887.

CITY COUNCIL – FIRST READING OF ORDINANCE 2970 (SEPTEMBER 9, 2015): FORWARD TO SECOND READING/PUBLIC HEARING

RV.15.2892 WARD 4, NEIGHBORHOOD 7.03 PUBLIC HEARING

Request to confirm the prior vacation of certain plats, alleys, and rights-of-way, and to release rights of reverter on land generally located north of Manatee Avenue East, south of the Manatee River, east of 10th Street East, and west of 12th Street East.

STAFF RECOMMENDATION:

APPROVAL of RV.15.2892 based on the Findings of Fact and Analysis of the proposed Vacation of Right-of-Way with the following stipulation:

1. Dedicate and construct a roadway within a 20 ft. easement to maintain alley access for the properties located at 314 and 318 12th Street East upon development of the surrounding property.

PLANNING COMMISSION RECOMMENDATION (August 19, 2015): APPROVAL of RV.15.2892 with the following stipulation:

1. Dedicate and construct a roadway within a 20 ft. easement to maintain alley access for the properties located at 314 and 318 12th Street East upon development of the surrounding property.

SAP.15.2888 WARD 4, NEIGHBORHOOD 7.03 PUBLIC HEARING

Special Area Plan approval (mixed use development) for the property generally located at 1015 Manatee Avenue East.

STAFF RECOMMENDATION:

APPROVAL of SAP.15.2888 based on the Findings of Fact and Analysis of the proposed Special Area Plan with the following stipulations:

1. Submission of a Small Scale Comprehensive Land Use Plan Map amendment to change the three (3) parcels currently shown as Residential Medium (10 DU/AC) to Urban Village in order to clarify the Future Land Use Plan Map.
2. Dedicate to the City all of the right-of-ways necessary (to the back of sidewalk) for 11th Street East through the project, 3rd Avenue East for the east and west legs off of the roundabout, and 10th Street Court East from Riverside Drive East to 2nd Avenue East as shown on the proposed Special Area Plan.

3. Design the roundabout to adequately accommodate all vehicles, provide irrigation and below grade well up-lighting acceptable to the Public Works Department.
4. Provide a signage plan that meets the Form Based Code standards prior to building permits being issued.
5. Grant temporary easements to the Public Works Department for existing utilities to be in place until such time as the infrastructure improvements required for the project are completed.

PLANNING COMMISSION RECOMMENDATION (August 19, 2015): APPROVAL of SAP.15.2888 with the following stipulations:

1. Submission of a Small Scale Comprehensive Land Use Plan Map amendment to change the three (3) parcels currently shown as Residential Medium (10 DU/AC) to Urban Village in order to clarify the Future Land Use Plan Map.
2. Dedicate to the City all of the right-of-ways necessary (to the back of sidewalk) for 11th Street East through the project, 3rd Avenue East for the east and west legs off of the roundabout, and 10th Street Court East from Riverside Drive East to 2nd Avenue East as shown on the proposed Special Area Plan.
3. Design the roundabout to adequately accommodate all vehicles, provide irrigation and below grade well up-lighting acceptable to the Public Works Department.
4. Provide a signage plan that meets the Form Based Code standards prior to building permits being issued.
5. Grant temporary easements to the Public Works Department for existing utilities to be in place until such time as the infrastructure improvements required for the project are completed.
6. Repave 4th Avenue East between 12th Street East and 14th Street East with Phase 3 of the project.

Councilman Smith stated he would like to wait until the next legally advertised meeting date to take time to review the plans with the developer to ensure for the citizens that this would be an equitable land trade and to investigate any possible alternative park plans.

MOTION TO TABLE ORDINANCE 2970 UNTIL OCTOBER 14, 2015 was made by Councilman Smith, seconded by Councilman Byrd, and approved 3:2 with Councilman Gallo and Vice Mayor Brown in opposition.

MOTION TO TABLE SAP.15.2888 UNTIL OCTOBER 14, 2015 was made by Councilman Smith, seconded by Councilman Byrd, and approved 3:2 with Councilman Gallo and Vice Mayor Brown in opposition.

MOTION TO TABLE RV.15.2892 UNTIL OCTOBER 14, 2015 was made by Councilman Smith, seconded by Councilman Byrd, and approved 3:2 with Councilman Gallo and Vice Mayor Brown in opposition.

MOTION TO TABLE RESOLUTION 15-35 UNTIL OCTOBER 14, 2015 was made by Councilman Smith, seconded by Councilman Byrd, and approved 3:2 with Councilman Gallo and Vice Mayor Brown in opposition.

MOTION TO TABLE RESOLUTION 15-36 UNTIL OCTOBER 14, 2015 was made by Councilman Smith, seconded by Councilman Byrd, and approved 3:2 with Councilman Gallo and Vice Mayor Brown in opposition.

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

Central Community Redevelopment Agency Budget

Central Community Redevelopment Agency (CCRA) Fiscal Year 2015-2016 Budget.

MOTION TO APPROVE THE CENTRAL COMMUNITY REDEVELOPMENT AGENCY (CCRA) Fiscal Year 2015-2016 Budget was made by Councilman Byrd, seconded by Councilman Smith, and approved 5:0.

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I – Nothing to report.

Vice Mayor Gene Brown, Ward II – Requested Claude Tankersley to provide an update on the recent delay in trash and yard waste collections. Mr. Tankersley stated that the Solid Waste Department had experienced mechanical failure of ten trucks. Due to a complicated technological component, some of the trucks could only be repaired at a facility in Tampa. The Solid Waste personnel were working hard to catch up.

Councilman Patrick Roff, Ward III – Stated he had just spent the last two days at a seminar held in St. Petersburg by the Marine Science Division, NOAA, the Army Corp of Engineers, and other scientific experts on the topic of sea-level rise and the effects it will have on local governments. Recommendations for a plan of action for the Greater Tampa Bay Area were to be determined within the next six months.

Councilman Bemis Smith, Ward IV – Nothing to report.

Councilman Harold Byrd, Jr., Ward V – Nothing to report.

Mayor Wayne Poston – Nothing to report.

DEPARTMENT HEAD REPORTS

Carl Callahan: Mr. Callahan requested approval of the 2015-2016 School Resource Officers Program Agreement between the City and the Manatee County School District.

MOTION TO APPROVE THE SCHOOL RESOURCE OFFICERS PROGRAM AGREEMENT was made by Councilman Gallo, seconded by Councilman Smith, and approved 5:0.

Chief Edwards: Nothing to report.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

Mr. Callahan gave a shout-out to Assistant City Clerk, Sharon Beauchamp, who had stayed throughout the meeting to guarantee citizen access into the building from an entryway not normally utilized during evening meetings.

There being no further business, Mayor Poston adjourned the meeting at 10:15 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.