CITY OF BRADENTON
CITY COUNCIL MEETING
November 14, 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, November 14, 2012.

Present: Mayor Wayne Poston; Vice Mayor/Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; 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; William Lisch, City Attorney; Chuck Edwards, Fire Chief; and Tim Polk, Department of Planning & Community Development Director.

Councilman Bemis Smith, Ward IV was excused.

The ecumenical invocation was led by Carole Kay Monaco of Manatee County Christian Coalition.

The Pledge of Allegiance was led by Mayor Wayne Poston.

The meeting was called to order by Mayor Poston.

PROCLAMATIONS:

World Prematurity Day – Nov. 17, 2012
The proclamation was accepted by members of the Manatee County Healthy Start Coalition Force.

PRESENTATIONS: None Scheduled.

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. Public Event: Long Live Haiti March – Saturday, January 12, 2013
B. Public Event: Procession of Virgin Guadalupe – Sunday, December 9, 2012
C. Minutes of October 10, 2012 City Council meeting
D. Resolution 12-49 – Official zoning atlas scrivener's error correction

MOTION TO APPROVE Consent Agenda Items A–D was made by Vice Mayor/Councilman Gallo, seconded by Councilman Byrd, and approved 4:0. ***(Councilman Smith was excused.)***

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

SU.12.0097 WARD 2 NEIGHBORHOOD 12.02 PUBLIC HEARING
Request of Trevor Greene (Greene Marine Construction, Inc.) agent for Robert Brodbeck, owner, for a Special Use Permit to locate a dock separated by a public right-of-way from address 1921 Riverview Boulevard (R-1 zoning).

The Public Hearing was opened, and those in favor were asked to come forward.

Trevor Greene, 4505 9th St. E., Ellenton, owner of Greene Marine Construction, explained that the dock would be across the street from the owner's home.

Discussion: There would be no problem with this location as in a previous circumstance.

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

Tim Polk, Planning & Community Development Director, gave the Staff & Planning Commission's recommendation for approval.

STAFF RECOMMENDATION: APPROVAL based on the criteria for dock construction as specified in Section 2.2.1 and 5.1.2.14 of the Land Use Regulations with the following stipulations:

1. Water and electrical installation will require a City of Bradenton Right-of-Way Use Permit.
2. Identification markers for proposed underground utilities are required.

PLANNING COMMISSION RECOMMENDATION (November 7, 2012): APPROVAL with the following stipulations:

1. Water and electrical installation will require a City of Bradenton Right-of-Way Use Permit.
2. Identification markers for proposed underground utilities are required.

MOTION TO APPROVE SU.12.0097 WITH TWO (2) STIPULATIONS was made by Councilman Roff, seconded by Councilwoman Barnebey, and approved 4:0. ***(Councilman Smith was excused.)***

SU.12.0098 WARD 5 NEIGHBORHOOD 1.03 PUBLIC HEARING

Request of Allison Sotelo, owner, for a Special Use Permit to establish an Auto Sales/Rental Use at an existing auto repair business located at 2416 1st Street West (UCC zoning).

The Public Hearing was opened, and those in favor were asked to come forward.

Allison Sotelo, 2416 First Street W., owner, explained that the present building is currently split in half and would be ideal for launching a car sales/rental business on the opposite side from the existing auto repair facility.

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

Tim Polk, Planning & Community Development Director, gave the Staff & Planning Commission's recommendation for approval.

STAFF RECOMMENDATION: APPROVAL with the following stipulations:

1. **Display cars for sale to be located in spaces along south property line only.**
2. **Display cars for sale to be secured within repair bays on a nightly basis.**
3. **Hours of Operation for Auto Sales/Rental Use: 8:00 AM to 6:00 PM Monday through Sunday, consistent with existing auto repair business.**

PLANNING COMMISSION RECOMMENDATION (November 7, 2012): APPROVAL with the following stipulations:

1. **Display cars for sale to be located in spaces along south property line and south of the existing building only.**
2. ~~**Display cars for sale to be secured within repair bays on a nightly basis.**~~
3. **Hours of Operation for Auto Sales/Rental Use: 8:00AM to 6:00PM Monday through Sunday, consistent with existing auto repair business.**
4. **Within 6 months of City Council approval, the applicant shall enhance the existing front grass area with low lying landscaping and appropriate watering in a manner that does not restrict visibility of site ingress/egress.**

MOTION TO APPROVE SU.12.0098 WITH THREE (3) STIPULATIONS was made by Councilman Roff, seconded by Vice Mayor/Councilman Gallo, and approved 4:0. ***(Councilman Smith was excused.)***

FIRST READING OF ORDINANCE #2944

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING PART 1, CHARTER 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 4, FINANCES AND FUND MANAGEMENT; ESTABLISHMENT AND OPERATION OF FUND; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mr. Callahan explained that this ordinance would change the type of investment option of the plan and requested approval of the 1st reading and to set the 2nd reading and Public Hearing for December 12, 2012.

MOTION TO ACCEPT THE 1ST READING OF ORDINANCE #2944 AND SET THE 2ND READING AND PUBLIC HEARING FOR DECEMBER 12, 2012 was made by Councilman Roff, seconded by Vice Mayor/Councilman Gallo, and approved 4:0. ***(Councilman Smith was excused.)***

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

Claude Tankersley, Public Works & Utilities Director
Potable Water Agreement with Manatee County
Mr. Tankersley explained that this agreement consolidated two previous agreements, cleaned up some issues and language, and superseded them as a better agreement. He recommended approval.

MOTION TO AUTHORIZE THE MAYOR TO EXECUTE THE POTABLE WATER AGREEMENT WITH MANATEE COUNTY was made by Vice Mayor/Councilman Gallo, seconded by Councilman Byrd, and approved 4:0. ***(Councilman Smith was excused.)***

Carl Callahan, City Clerk & Treasurer / Chief of Staff
Financing Agreement Between Manatee Players & Bradenton Kiwanis - Withdrawn until later date.

Tim Polk, Planning & Community Development Director
Publix Liquor Store at 7318 Manatee Avenue West

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

1. **Liquor Store hours of operation will be 10:00 AM to 10:00 PM seven days a week.**
2. **On-premise consumption of alcoholic beverages is prohibited.**

MOTION TO APPROVE OPERATION OF PUBLIX LIQUOR STORE WITH TWO (2) STIPULATIONS was made by Vice Mayor/Councilman Gallo, seconded by Councilman Roff, and approved 4:0. ***(Councilman Smith was excused.)***

BUSINESS BY APPOINTMENT - None scheduled.

COUNCIL REPORTS

Vice Mayor/Councilman Gene Gallo, Ward I: Offered congratulations to the Manatee High School Hurricanes for winning the district championship and also wished everyone a very happy Thanksgiving.

Councilwoman Marianne Barnebey, Ward II: Wished everyone a happy Thanksgiving and encouraged all to come out to the 16th annual Winter Wonderland family event on Old Main Street on Saturday, December 8th, from 5:00 p.m. – 9:00 p.m.

Councilman Patrick Roff, Ward III: Said that he had attended a training session sponsored by the Manasota League of Cities which had featured a special speaker discussing procedures being used in Ft. Meyers in tracking vacant, abandoned, and foreclosed properties. Councilman Roff stated that he planned to work with the Planning Department to see if the procedure could be instituted here.

Councilman Harold Byrd, Ward V: Wished all a very happy Thanksgiving.

Mayor Wayne Poston: Also wished everyone a happy Thanksgiving and reminded all that a signature event, the Blues Festivalwould be held on Saturday, December 1st, on the Riverwalk. Mayor Poston also expressed his thanks to the voters and to Bob Sweat, Manatee County Supervisor of Elections, who had done an excellent job in tabulating the election results.

DEPARTMENT HEADS

Carl Callahan: Mr. Callahan presented an easement request to allow Florida Power & Light access for power installation at McKechnie Field, and asked for approval.

MOTION TO APPROVE THE EASEMENT REQUEST at McKechnie Field was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:0. ***(Councilman Smith was excused.)***

The results of the Manatee County Canvassing Board were presented, and certification of the election results was requested.

MOTION TO APPROVE THE ELECTION RESULTS OF THE MANATEE COUNTY CANVASSING BOARD was made by Vice Mayor/Councilman Gallo, seconded by Councilman Byrd, and approved 4:0. ***(Councilman Smith was excused.)***

Deputy Chief Ezell: Nothing to report.

Chief Radzilowski: Nothing to report.

Claude Tankersley: Stated that paving of a one-block section of 14th Street West would begin on Tuesday, November 20th.

Tim Polk: Nothing to report.

Bill Lisch: Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 8:57 a.m. An Executive Session would follow immediately.

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