

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**March 26, 2014**  
**6:00 P.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 6:00 p.m. on Wednesday, March 26, 2014.

**Present:** Mayor Wayne Poston; 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; and Tim Polk, Department of Planning & Community Development Director.

The pre-meeting invocation was given by Father Glen Graczyk of St. Mary's Episcopal Church.  
*(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.

Councilman Ward 1 Gene Gallo was out with an excused absence.

**PROCLAMATIONS:**

**National Tartan Day – April 6, 2014**

The proclamation was accepted by a member of the St. Andrews Society of Sarasota on behalf of the Caledonian Club of Southwest Florida, The Scottish Heritage Society, and The New World Celts.

**PRESENTATIONS: FDOT – 9<sup>th</sup> Street West Improvements**

Claude Tankersley introduced **L.K. Nandam**, Florida Department of Transportation, who brought forward some ideas about how to improve traffic flow and prevent backups on the Green Bridge and 9<sup>th</sup> Street West. An area-wide study had been prioritized by the Metropolitan Planning Organization which helped offer short-term solutions to manage congestion. He presented a PowerPoint presentation which depicted changes to medians, narrower lanes, and inclusion of southbound turn lanes at the Manatee Avenue intersection and 3<sup>rd</sup> Avenue West intersection. City of Bradenton staff had weighed in on the proposals. The cost of the proposed changes would be in the half million dollar range. Combining two proposed projects, one of which was already in the pipeline for 2018, would be the most economically feasible; so a starting time of 2018 would be recommended for both improvements.

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

**CITIZEN COMMENTS:**

**Hank Mallol & Sharon Carlson, Peace Walkers of Manatee County**, provided information about a series of marches being proposed throughout the county to help fight violent crime and shootings. The first march will be held near the 13th Avenue Dream Center in an area where shootings had taken place. Mr. Mallol thanked Councilman Gene Brown and the law enforcement agencies for their support. Councilman Brown encouraged all of the groups who would like to assist in this effort to join forces to make a positive change in the community.

**CONSENT AGENDA:**

- a) Vehicle for Hire Operator's Permit
- b) Minutes: March 12 City Council Meeting
- c) Budget Adjustment – Parking Fund
- d) RFQ Award Recommendations

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

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

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

**ORDINANCE #2961                      SECOND READING & PUBLIC HEARING**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER XVIII, BUILDING AND BUILDING REGULATIONS OF THE CODE OF ORDINANCES PROVIDING THERETO A NEW SECTION 36 PROVIDING FOR THE DEMOLITION OF UNSAFE STRUCTURES; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR NOTICES; PROVIDING FOR EXTENSIONS OF TIME AND APPEALS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR EMERGENCIES; PROVIDING FOR COSTS AND LIENING OF PROPERTY; PROVIDING AN EFFECTIVE DATE.

**Tim Polk, Planning & Community Development Director**, stated that the ordinance would allow for review of each City ward for dangerously unsafe structures which cannot be rehabilitated and for which expenses of demolition would be returned to the property owners.

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

**MOTION TO APPROVE ORDINANCE #2961 was made by Councilman Byrd, seconded by Councilman Roff, and approved 4:0. (Councilman Gallo was excused.)**

**SA.14.00027 WARD 3    NEIGHBORHOOD 1/01    PUBLIC HEARING**

Request of Gary Walczak, agent for John Delesline, owner, for a Special Use Amendment to establish a restaurant in an existing lounge at 436 12<sup>th</sup> Street West (zoned T5, Historic District).

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

**Tim Polk, Planning & Community Development Director**, gave the Staff and Planning Commission recommendations for approval:

**STAFF RECOMMENDATION:**

**APPROVAL** of SA.14.00027 with the following stipulations:

1. Hours of operation for the sushi bar: 11AM to 11PM. Lounge will operate from 11AM to 230AM.
2. Fryers are not permitted for food preparation.
3. Signage must conform to Historic District Overlay requirements.

**PLANNING COMMISSION RECOMMENDATION (March 19, 2014):**

**APPROVAL** of SA.14.00027 with the following stipulations:

1. Hours of operation for the sushi bar: 11AM to 11PM. Lounge will operate from 11AM to 230AM.
2. Fryers are not permitted for food preparation.
3. Signage must conform to Historic District Overlay requirements.

**MOTION TO APPROVE SA.14.00027 with stipulations was made by Councilman Roff, seconded by Councilman Byrd, and approved 4:0. (Councilman Gallo was excused.)**

**SA.14.00028 WARD 1    NEIGHBORHOOD 4.06    PUBLIC HEARING**

Request of ZNS Engineering, agent for Manatee County Girls Club, owner, for a Special Use Amendment to establish a charter school at 3809 59<sup>th</sup> Street West (zoned R-1).

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

**Becky Canesse, CEO of Just for Girls**, presented a PowerPoint presentation of the 45-year history, accomplishments, and future goals of the organization which provides services to assist girls in the community. Wishing to promote education instead of incarceration, Just for Girls has established two schools: an alternative school for middle school girls and an elementary charter school covering grades K-3 which had been started approximately a year and a half ago.

Just for Girls wished to keep the momentum going by constructing a new school with the goal of expanding and growing gradually by adding a grade each year until it is covering K-8<sup>th</sup> grade.

**Jeb Mulock and Rachel Layton, ZNS Engineering**, came forward to request approval for the educational facility which would be accommodated on land donated to Just For Girls by the Kiwanis Club of Bradenton in 1979 and to describe the design of the proposed development.

**Becky Canesse** continued with the explanation by adding that funding would come from Community Development Block Grants, a 2-year commitment from the City of Bradenton, and a 3-year commitment from Manatee County. Groundbreaking would take place in 2015 and the project would be done in three phases to allow for materialization of the funding through the three phases.

Mayor Poston questioned the aesthetic appeal of the proposed building.

It was clarified that the depiction shown was conceptual only at this time. The building design would be constructed with safety, green design, and energy production in mind. All effort would be made to ensure that the final building design and landscaping would be one of which the girls and the community would be proud.

Carl Callahan added that the 150'-180' setback of the building would allow for opportunities for attractive landscaping.

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

**Tim Polk, Planning & Community Development Director**, stated that staff would work with the applicant to create the most attractive building and landscaping possible with the available funding. He then gave the Staff and Planning Commission recommendations for approval:

**STAFF RECOMMENDATION:**

APPROVAL of SA.14.00028 with the following stipulations:

1. Manatee County approval for new driveway cuts on 59th St required prior to Site Improvement.
2. Dumpster to be located per Public Works review and approval.
3. Fire suppression system (sprinklers) will be required inside building.
4. Any future commercial kitchen will require additional review and approval by Fire/Building at time of permitting.
5. Add protective bollards, spaced accordingly, at entrance to building.
6. Add controlled-access doors behind registration desk at entry for security.
7. Parking lot lighting to comply with current lighting standards.
8. Add 6ft tall opaque fencing along south property line to screen from adjacent residential uses.
9. Hours of Operation: 6AM to 10PM.
10. Maximum number of school students shall not exceed 360. Students in excess of this number will require a future amendment to the Special Use.
11. Before and After school care program will be an associated ancillary use to the primary Charter School.
- ~~12. Coordinate with Manatee County School District for Charter School siting requirements.~~

**PLANNING COMMISSION RECOMMENDATION (March 19, 2014):**

APPROVAL of SA.14.00028 with the following stipulations:

1. Manatee County approval for new driveway cuts on 59th St required prior to Site Improvement.
2. Dumpster to be located per Public Works review and approval.
3. Fire suppression system (sprinklers) will be required inside building.
4. Any future commercial kitchen will require additional review and approval by Fire/Building at time of permitting.
5. Add protective bollards, spaced accordingly, at entrance to building to shield pedestrians from vehicles.
6. Add controlled-access doors behind registration desk at entry for security.
7. Parking lot lighting to comply with current lighting standards.
8. Add 6ft tall opaque fencing along south property line to screen from adjacent residential uses.
9. Hours of Operation: 6AM to 10PM.
10. Maximum number of school students shall not exceed 360. Students in excess of this number will require a future amendment to the Special Use.
11. Before and After school care program will be an associated ancillary use to the primary Charter School.

**MOTION TO APPROVE SA.14.00028 with stipulations was made by Councilman Roff, seconded by Councilman Brown, and approved 4:0. (Councilman Gallo was excused.)**

**BUSINESS BY APPOINTMENT** - None scheduled.

**COUNCIL REPORTS**

**Councilman Gene Brown, Ward II:** Nothing to report.

**Councilman Patrick Roff, Ward III:** Said he had attended a very successful meeting on March 19<sup>th</sup> regarding the proposed enhancements to the Village of the Arts as proposed by a study completed by USF and New College last year and thanked Claude Tankersley for his presentation at the meeting. Councilman Roff also announced that the bi-annual Ware's Creek Adopt-A-Shore Cleanup under Keep Manatee Beautiful would be held on April 12 from 9:00-noon on Virginia Drive.

**Vice Mayor/Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman Harold Byrd, Jr., Ward V:** Nothing to report.

**Mayor Wayne Poston:** Mayor Poston explained that he had received many requests to save Buck and Bill, two dogs who were to be put down following an attack on a child, and while sympathetic, he had no jurisdiction in the situation and could not overrule a judicial court ruling.

The mayor was pleased to announce that McKechnie Field had been ranked 4th in a USA Today readers' choice vote for the most popular spring training site.

Lastly, the Mayor said that Bradenton's own Sam Woolf would be performing tonight on American Idol and encouraged everyone to vote early and often to keep him on the road to winning.

**DEPARTMENT HEADS**

**Carl Callahan:** Requested approval to extend the lease agreement of The DaVinci Exhibit from April 13, 2014 to July 7, 2014.

**MOTION TO EXTEND THE DaVINCI EXHIBIT LEASE AGREEMENT to July 7, 2014 was made by Vice Mayor/Councilman Smith, seconded by Councilman Roff, and approved 4:0. (Councilman Gallo was excused.)**

The Mayor interjected that he had attended a special presentation given by the group offering an exhibit called "*DaVinci and Michelangelo Side by Side*" which had been fascinating. The possibility of the exhibit coming to Bradenton is being explored, but options are being kept open.

**Chief Edwards:** Announced that the Fire Department would be holding the annual *Firemen's Fill the Boot Campaign* this Friday-Sunday to assist the Muscular Dystrophy Association.

**Chief Radzilowski:** Nothing to report.

**Claude Tankersley:** Said that the 14<sup>th</sup> Avenue Bridge had been reopened; and the pre-construction meeting for the 17<sup>th</sup> Avenue Bridge had been completed and construction would begin within a month. Once that bridge was done, the City would be out of the bridge replacement business.

Mr. Tankersley stated that he had already coordinated with FDOT regarding their proposed improvements to the Green Bridge & 9<sup>th</sup> Street West to have a grate on Third Avenue West relocated while the project is underway. The grate currently is in the intersection of 3<sup>rd</sup> and 9<sup>th</sup> and has a large dip in it which can

**Tim Polk:** Nothing to report.

**Bill Lisch:** Nothing to report.

There being no further business, Mayor Poston adjourned the meeting at 7:16 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.