

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**Nov. 13, 2013**  
**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 6:00 p.m. on Wednesday, October 23, 2013.

**Present:** Mayor Wayne Poston; Vice Mayor/Councilman Ward 1 Gene Gallo; Councilman 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 Clerk & Treasurer/Chief of Staff; Michael Radzilowski, Police Chief; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Charles Edwards, Fire Chief; and Tim Polk, Department of Planning & Community Development Director.

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

*(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**

**PRESENTATION: None**

*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) Minutes: Oct. 23 City Council meeting.
- b) 2012-13 Year-End Budget Adjustments.
- c) 2013-14 Budget Adjustment.
- d) Request of ZNS Engineering, agent for Land Trust 97-12, owner, for preliminary plat approval of Harbor Sound subdivision (zoned R-1).
- e) Change to 2014 Council meeting calendar.

- f) Public Event: Procession of Virgin Guadalupe on Dec. 8 around Sacred Heart Church, 1220 15<sup>th</sup> St. W.
- g) Public Event: Winter Wonderland on Dec. 14 on Old Main Street.
- h) Resolution 13-50: CDBG annual performance report (CAPER).
- i) Participation agreement – Florida ePayments.
- j) Contract with police lieutenants.
- k) Resolution 13-51: Appointing David J. Grantham to the Police Pension Board.

**MOTION TO APPROVE CONSENT AGENDA Items A-L was made by Councilman Patrick Roff, seconded by Councilman Bemis Smith, and approved 5:0.**

## **BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS**

### **RESOLUTION 13-47 PUBLIC HEARING**

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BRADENTON, FLORIDA DESIGNATING A BROWNFIELD AREA TO BE CALLED THE PUMPHOUSE STATION BROWNFIELD AREA WITHIN THE CITY FOR PROPERTY LOCATED AT 705 3RD STREET WEST, 235 6TH AVENUE WEST, 215 6TH AVENUE WEST, 704 2ND STREET WEST, 702 2ND STREET WEST, 101 6TH AVENUE WEST, 701 2ND STREET WEST, 703 2ND STREET WEST, 707 2ND STREET WEST, 124 8TH AVENUE DRIVE WEST, 128 8TH AVENUE DRIVE WEST AND 801 2ND STREET WEST OF APPROXIMATELY 7.4 ACRES (THE "BROWNFIELD AREA") FOR THE PURPOSE OF ENVIRONMENTAL SITE REHABILITATION AND ECONOMIC REDEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Wayne Poston opened the public hearing.

Carl Callahan, City Clerk & treasurer, said this came about as a result of the city looking for help cleaning up Brownfield areas and this will help redevelopment of the area. Volker Reiss, City Compliance Manager, said there was a change to resolution. Two parcels originally were thought to be owned by City are not. They are a retention pond owned by the state, according to a deed from 1993. City Attorney Bill Lisch said the council could vote on the resolution minus the two parcels in question. Also, Mr. Reiss said there would be a change the verbiage of the resolution: Where it states the land shall be developed into "a commercial development" the language was changed so it wouldn't bind a new owner to only commercial usage. He introduced Jason Lichstein, an environmental attorney representing Bell Atlantic Ventures; Bell Atlantic owns property in the proposed Brownfield area. He said Bell Atlantic supports this venture and remains committed to supporting cleanup and redevelopment in this area. In response to Councilman Roff inquiring to what may be come of the land, Mr. Lichstein said the area is still undergoing cleanup and the plan is to someday work with the City or private developers on developing this land.

Mayor Poston closed the public hearing.

Tim Polk, Planning Director, said staff recommends approval.

**Councilman Byrd motioned for approval with the changes and was seconded by Councilman Roff. The motion was approved 5-0.**

**SU.13.00111 WARD 5 NEIGHBORHOOD 1.03 PUBLIC HEARING**

Request of Rev. James Golden, owner, for a Childcare Center use at 1017 5<sup>th</sup> Street West (zoned: T5 and T4-Open).

Mayor Poston opened the public hearing. No one came forward to speak for or against this item. The public hearing was closed.

Mr. Polk said staff recommends approval with three stipulations:

- 1) Hours of operation: 7 a.m.-6 p.m. daily
- 2) Child capacity may not exceed state requirements and applicant must submit final capacity to City staff.
- 3) Student areas must be enclosed with gates or fencing for security.

Mr. Polk said Planning Commission voted in favor of approval with these same stipulations. He added that the applicant does not have a Certificate of Occupancy to which City Attorney Bill Lisch said the building cannot be occupied until a CO is obtained.

**Councilman Byrd motioned for approval with the stipulations and was seconded by Councilman Roff. The motion was approved 5-0.**

**SU.13.00112 WARD 4 NEIGHBORHOOD 7.04 PUBLIC HEARING**

Request of Randy Coe, agent for Amelio Amato, owner, for an Auto Sales use at 2711 Manatee Avenue East (zoned: UCC).

Mayor Poston opened the public hearing. No one came forward to speak for or against this item. The public hearing was closed.

Mr. Polk said staff recommends for approval with seven stipulations:

- 1) Hours of operation: 9 a.m.-5 p.m. M-F and 9-2 p.m. Saturday.
- 2) No flammable liquids stored in building.
- 3) No motor homes within 10 feet of the building.
- 4) All merchandise displayed in front of the building.
- 5) Smaller items will be displayed in front of the building and larger items, such as RVs, will be displayed to the right of the building.
- 6) Smaller items will be stored inside overnight.
- 7) The drive aisle must be 24-feet wide in front of the parking area and unobstructed.

He said the Planning Commission voted on Oct. 16 to recommend approval with these stipulations:

- 1) Hours of operation: 8 a.m.-8 p.m. M-F and 8-5 p.m. Saturday.
- 2) No flammable liquids stored in building.

- 3) No motor homes or vehicles/trailers equipped with propane tanks within 10 feet of the building.
- 4) All merchandise displayed in front of the building.
- 5) Smaller items will be displayed in front of the building and larger items, such as RVs, will be displayed to the right of the building.
- 6) Smaller items will be stored inside overnight.
- 7) The drive aisle must be 24-feet wide in front of the parking area and unobstructed.

He said staff and the Planning Commission are recommending those stipulations voted on by the commission.

Councilman Bemis Smith said there is 24-foot-wide drive aisle on a 53-foot-wide area. If there's a 20-foot car parked in front of the building, there's 33 feet in front of building remaining. He said if you subtract the 24-feet for the drive aisle, there's only 9 feet left. He asked if that means there will be no more than one or two motor homes there at once because they can't be parked in front area and cannot be within 10 feet of the building (on the east side, where permitted) if they have a propane tank, which most do. He said this limits the number of motor homes or RVs can be there on display. He said if things change and this owner sells the lot, a new owner could be in violation if he wants to display RVs. He said he worries about future enforcement in this case. Attorney Lisch and Mr. Polk said any deviation of these rules by this owner or a future one could result in citation from Code Enforcement. Attorney Lisch said the staff report shows this is a compatible use with surrounding properties and if council plans to vote against because it's incompatible, then it must show reason. Councilman Smith said he's not concerned about compatibility but is mostly concerned that the requirements are limiting the use of the property.

Councilman Gene Gallo said there are homes on Fourth Avenue and he wants the proposed buffer fence extended, built to a height of at least 6 feet and made of wood so it can adequately serve as a sound barrier. Mr. Polk added this as a stipulation.

Randy Coe, representing the property owners, said there will be no RVs parked in front of building because it will block the front of the building and there won't be room for emergency vehicles. He said this is a consignment shop and he understands council's concerns about future owners, but he is a longtime business owner and he plans to have an attractive storefront and doesn't want the front of the building cluttered. Councilman Smith said there wouldn't be room in the front for a motor home anyway and an RV will have to be pressed up against the property fence to meet the code. He said he's concerned about the City creating a circumstance for an owner to meet requirements because of space restrictions.

Councilman Smith asked why the original Auto Sales use from 1997 stipulates "no use" of the front entrance on S.R. 64 and wondered what's different today. Brady Woods, City Planning & Zoning Official, said it might have been stipulated by FDOT because there wasn't much room along S.R. 64. But the access was open when the last business was operating there. Councilman Smith also asked what type of fence is required in the front. There is currently a chain link fence there and he wants to know if it will remain chain link. Councilman Gallo said he wants the City to state that, in the future, if a fence is required it should not be chain link. Mr. Polk said this will be something the planning department looks at in the future. Councilman Byrd said this isn't the right economic climate to start demanding more regulations for small



**ORDINANCE 2957**

**FIRST READING**

AN ORDINANCE AMENDING ORDINANCE 2950, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING MAP AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY R-1 FOR THE PROPERTY LOCATED AT 101 48TH ST CT E.

Mr. Callahan read the proposed ordinance into the record.

**Councilman Smith motioned for approval. The motion was seconded by Councilman Byrd. The motion was approved 5-0. The ordinance goes to the Dec. 18 meeting for a second reading and final approval.**

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

**Tim Polk, Director of Planning & Community Development**

**RESOLUTION 13-48**

**PUBLIC HEARING**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADJUSTING VARIOUS BUILDING PERMIT FEES AND CHARGES AND THE METHOD OF CALCULATING NEW CONSTRUCTION BUILDING PERMIT FEES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING COMPLIANCE WITH STATE AND LOCAL BUILDING STANDARDS AND REQUIREMENTS PURSUANT TO THE FLORIDA BUILDING CODE AND ALL OTHER APPLICABLE BUILDING AND CONSTRUCTION CODES.

Mr. Polk said proposed Resolutions 13-48 and 13-49 provide the planning department with the staff and fees appropriate to handle the increase in building and construction in Bradenton. Jeff Camden, City Building Official, said the proposal adjusts the manner in which building and permit fees are determined. This proposal expands the current system's limited ability to classify and breakout certain smaller permits so they all are not lumped into one large category.

Mayor Poston asked if the public wanted to comment. No one did and he closed the public hearing.

**Councilman Smith motioned for approval. The motion was seconded by Councilman Gallo. The motion was approved 5-0.**

**RESOLUTION 13-49**

**PUBLIC HEARING**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, ADOPTING VARIOUS FEES AND CHARGES TO ADDRESS THE EXPENSES AND COSTS OF ADMINISTERING AND DETERMINING COMPREHENSIVE PLAN AND LAND USE AMENDMENT APPLICATIONS, PUBLIC NOTICE, RECORDING, PERMITS, APPROVALS, LETTER OF DETERMINATION, APPEALS, AND DOCUMENTS.

**Councilman Smith motioned for approval. The motion was seconded by Councilman Gallo. The motion was approved 5-0.**

## COUNCIL REPORTS

Councilman Gallo thanked Manatee County Commissioner John Chappie for working with him in getting FDOT to agree to light Manatee Avenue West from 59<sup>th</sup>-75<sup>th</sup> streets. It is on the agenda for next year. Councilman Gallo wished a happy retirement to Paul Maechtle, head coach of the Southeast High School football team. Councilman Gallo added that he and Councilman Gene Brown represented the City at an awards ceremony for Joe Kinnan, MHS's longtime head football coach, who was named the Best High School Coach by USA Today.

Councilman Brown also wished Coach Maechtle a happy retirement and said he was a mentor to many students in Manatee County. Councilman Brown added that there is the Manatee River Garden Club's annual flower show over the weekend and that the club thanked the City for fixing a depression in the park. He said Friday he plans to attend the coin toss for the MHS playoff game and hopes Coach Kinnan returns as head coach for many more years.

Councilman Roff talked about his recent experience attending the FBI Citizens Academy in Tampa. He called it an enlightening and a great experience. He graduated and said the ceremony is in Washington D.C. and Quantico, Va. He said while there he plans to meet with Florida's senators about flood insurance. He added that this trip is being paid for by his own funds.

Councilman Smith echoed the happy retirement wishes for Coach Maechtle and said the strength of high school football programs in this area is a good thing for the County and City.

Councilman Byrd, a Southeast High graduate, congratulated Coach Maechtle and recalled being a student in Coach Maechtle's American History class and remembered how he got students interested in the 1976 presidential campaign.

Mayor Poston said he spoke to Coach Maechtle recently and looks forward to golfing with him at Southeast's annual golf tournament fund-raiser. He congratulated Clint Hurdle, manager of the Pittsburgh Pirates, who was recently named as Major League Baseball's Manager of the Year. Mr. Hurdle is building a home on Anna Maria Island.

## **DEPARTMENT HEAD REPORTS**

### **City Clerk & Treasurer Carl Callahan:**

\* Distributed line item budget adjustments for the Utility/Clerical Department from the Third Quarter. The budget adjustments were revealed to exceed \$10,000 when added up and need council approval. **Councilman Gallo motioned for approval. The motion was seconded by Councilman Roff. The motion was approved 5-0.**

\* Informed council that a promissory note from the Manatee Players has been amended from \$500,000 to \$450,000 because Kiwanis Club has made a \$50,000 payment toward it. The Mayor will execute it with council approval. **Councilman Gallo motioned for approval. The motion was seconded by Councilman Brown. The motion was approved 5-0.**

\* Requested that council let the police pay for minor legal fees related to seizures through its forfeiture fund instead of going to council with every request. This would expedite the process. **Councilman Byrd suggested a \$1,000 cap and motioned for approval. The motion was seconded by Councilman Brown. The motion was approved 5-0.**

\* Brought forward a suggestion from the Human Resources Department to extend the vacation cap for the year ending Dec. 31, 2013, for an additional 40 hours because many employees are facing losing their vacation time because they haven't been able to get away for a vacation. The employees also accumulated time this year due to the Munis conversion. Years of service days were added at year end, and with the Munis conversion those additional days are now accrued throughout the year. And department heads are not going to be able to grant all requests for vacation time during the holidays. But if the employee leaves employment with the City for any reason, they will not get paid for the carried over time. **Councilman Gallo motioned for approval. The motion was seconded by Councilman Roff. The motion was approved 5-0.**

**Police Chief Mike Radzilowski** said he will serve as a celebrity judge Friday at Westminster Shores & Towers senior talent show.

### **Public Works Director Claude Tankersley:**

\* Renovations are complete at the boat dock at Palma Sola Causeway.

\* Roadwork should be done on 18<sup>th</sup> Avenue West done by Nov. 25.

\* Paving is done outside the downtown Hampton Inn and brick work is getting done.

**Planning Director Tim Polk:**

\* thanked Public Works, Fire Department and his staff for getting the Hampton Inn its Certificate of Occupancy.

\* Invited everyone to the department's Thanksgiving dinner.

**The meeting adjourned at 7:47 p.m.**