

**CITY OF BRADENTON
CITY COUNCIL MEETING
August 16, 2017 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, August 16, 2017.

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

City Officials: Sharon Beauchamp, City Clerk & Treasurer; Carl Callahan, City Administrator/Economic Development Director; Chuck Edwards, Fire Chief; Paul McWade, Asst. Police Chief; David Beauchamp, Asst. Public Works & Utilities Director; and Bill Lisch, City Attorney.

The pre-meeting invocation was led by **Pastor Matt Wallis, Trinity United Methodist 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.

Police Chief Melanie Bevan and Public Works & Utilities Director Jim McLellan were excused.

PROCLAMATIONS - None.

PRESENTATIONS: Landscape & Grounds Maintenance Agreements

Dave Beauchamp, Asst. Public Works and Utilities Director, provided requested information to City Council regarding the responsibilities of the City for maintenance of the medians on Manatee Avenue. There had been an agreement made with FDOT that the City would maintain the medians on Manatee Avenue East to 75th Street West for an annual fee. In

2010, a cost analysis had been done to determine the costs of maintaining those areas which reflected that it cost the City 2 ½ times more than the amount received from FDOT. Therefore, it had been decided to discontinue that maintenance and allow FDOT to resume responsibility.

Ingrid McLellan, Executive Director of Keep Manatee Beautiful, had since provided the City with a copy of an FDOT permit which had specifically stated that any plantings in the rights-of-way would be the responsibility of the City. Those areas had since been returned to City care and maintenance was ongoing.

Mr. Beauchamp stated that a quote would be obtained from the recently contracted landscape company to determine the most cost-effective means of providing maintenance to sustain desired aesthetics.

Discussion: Areas of responsibility of FDOT and the FDOT parameters of maintenance .

Phil Catalano, FOOT Maintenance Manager, affirmed that other municipalities do have agreements with FDOT if they desired a level of service greater than what FDOT provided. He stated that FDOT had also just selected a new mowing contractor and had gotten somewhat behind. The standards which FDOT followed were to mow when grass is between 5"-18" inches in rural areas and 9"-12" in urban areas with 12 to 14 cuttings budgeted per year.

Discussion: Importance of good image, problem areas throughout the City, need for sufficient maintenance budgeting. Further information would be provided by FDOT regarding mowing schedules. Public Works & Utilities would provide estimated cost information.

Sharon Beauchamp administered the oath to anyone wishing to speak on any non-agenda items or during the public hearings.

CITIZEN COMMENTS

Ingrid McLellan, Executive Director of Keep Manatee Beautiful, provided hard copies to the Public Works & Utilities Department of the Tree and Land Preservation Board's FOOT agreements and permits. The permits reflected that it was the City's responsibility to maintain all of the medians where plantings for beautification had been installed on Manatee Avenue from Palma Sola Blvd. to 27th Street East. She stated that in compiling the information, she had been reminded of the many noteworthy people who had served on the board and helped to Keep Manatee Beautiful. She also had noted that since 1998, \$1.1 million in grants had been obtained and used to beautify the area.

Mike Meehan, 1507 80th Street NW, expressed his desire to see sidewalks installed on 26th Street West to Cortez Road.

Mayor Poston stated that 26th Street West was under the jurisdiction of Manatee County under an interlocal agreement. Manatee County had stated that the cost of acquisition of the rights-of-way made it cost prohibitive. There was some confusion regarding the east side of the street being in City jurisdiction down to a certain point, but it was confirmed that it did not extend down to Cortez Road. Mr. Callahan said the City and County had discussed this concern a number of times over a number of years.

Ginger Seybold, 4305 5th Avenue NE, cited inconsistencies in the construction setback requirements in the Bella Sole subdivision. She said 22 houses had been completed, 10 of which had a pillar with a light pole. Two additional homes were under construction which would also be pillar style. One of the two homes under construction was located next to her and had a pillar extending very closely to her property. She said there should be 12 feet between homes, but there was only 9.5 feet between the homes because the homeowner had requested a larger garage. The City's former zoning manager had admitted an error in approving the permit. Ms. Seybold said that there was also an unfair situation regarding their request to install a pool and dock which had been denied. A neighboring Medallion Homes property had been allowed to build both. She felt it was a situation of discrimination.

Catherine Hartley stated that the PDP had been strangely written and was very ambiguous at best. She said that a contracted surveyor would go out as soon as possible to review the situation and the pillar may need to be removed. Ms. Seybold said that any delay in response was a concern as construction was being expedited. Ms. Hartley said that she could and would hold back the certificate of occupancy until the problems were resolved.

Councilman Smith questioned the reasons why the Seybolds had been denied permission to install a pool and re-do their existing dock to include a viewing platform. Ms. Hartley said the survey would need to be examined to determine the exact reason. Discussion about how one of the homes had been able to build a dock with a platform. Ms. Hartley said that the Seybold's development was subject to a decades-old Master Dock Plan which the HOA should be following. The PDP could be amended if desired, however, if the residents desired to do so.

Mr. Smith summarized that a new survey would determine the outcome of the pillar. Mayor Poston stated that Medallion Homes would be contacted to review the current PDP.

CONSENT AGENDA

- A. Minutes: Aug. 2 City Council special meeting
- B. Public Event: Tribute to Heroes Memorial Service on Sept. 11 at the Riverwalk Memorial site
- C. Public Event: 2017-2018 season of Main Street Live on Old Main Street
- D. Resolution 17-61: Appointing Michael Jones to the Planning Commission
- E. Resolution 17-62: Reappointing Darin Autrey and Darrell Turner to the Architectural Review Board
- F. Forfeiture Fund request
- G. Joint Funding Agreement with U.S. Geological Survey for groundwater monitoring
- H. Service Level Agreement with Thales Consulting for purchasing software
- I. Budget Adjustment: FY 2017 Half-cent Sales Tax Fund
- J. Agreement with Bartow Ford Co. for police vehicles

Councilman Gallo asked that Item J be removed from the Consent Agenda for further discussion and a separate vote.

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

In reference to Item J, Mr. Gallo requested to know if there was any possibility of purchasing the police vehicles from a local vendor. Carl Callahan stated that the pricing package had gone through a state bid contract with Charlotte County which had allowed local vendors to bid.

MOTION TO APPROVE Consent Agenda Item J was made by Councilman Gallo, seconded by Councilman Brown, and approved 5:0.

Mayor Poston welcomed former long-time Planning Director, **Jerry West**, who was in the audience.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

ORDINANCE NO. 2998 SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE MAP; CHANGING THE FUTURE LAND USE DESIGNATION FROM URBAN COMMERCIAL CORRIDOR TO URBAN VILLAGE FOR THE PROPERTY KNOWN AS 201 13TH AVENUE WEST BUT MORE PARTICULARLY DESCRIBED IN THE "EXHIBIT A"; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

None came.

The Public Hearing was closed.

MOTION TO APPROVE Ordinance 2998 was made by Councilman Byrd, seconded by Vice Mayor Roff, and approved 5-0.

ORDINANCE NO. 2999 SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON LAND USE ATLAS, CHANGING THE ZONING FROM T4-R TO T4-O FOR THE PROPERTIES ON THE MAP IN EXHIBIT A; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Catherine Hartley provided renderings of the area impacted in the project known as The Preserve, formerly Riviera Southshore, to display how this ordinance would create more consistent zoning in the development.

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

None came.

The Public Hearing was closed.

MOTION TO APPROVE Ordinance 2999 was made by Councilman Smith, seconded by Vice Mayor Roff, and approved 5-0.

ORDINANCE NO. 3000 SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE MAP; CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL MEDIUM TO URBAN COMMERCIAL CORRIDOR FOR THE PROPERTY KNOWN AS 118 10TH AVENUE EAST AND MORE PARTICULARLY DESCRIBED AND ILLUSTRATED IN THE SURVEY ATTACHED HERETO AS "EXHIBIT A"; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Catherine Hartley displayed the area in question which was currently a vacant plot. The

future land use map did not align with the zoning of the area. The intention of this ordinance was to correct that inconsistency and make it a contiguous use for the owner of the properties in that location.

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

MOTION TO APPROVE Ordinance 3000 was made by Councilman Byrd, seconded by Vice Mayor Roff, and approved 5-0.

ORDINANCE NO. 3008 SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON LAND USE ATLAS, CHANGING THE ZONING FROM SD-I TO INDUSTRIAL FOR PROPERTIES SPECIFICALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Catherine Hartley addressed Ordinances 3008 and 3009 jointly as they both involved Tropicana . It had been determined that the company did not fit well into Form Based Code. This ordinance would return it to its former zoning as urban commercial and industrial. Bradenton had a unique situation with two parallel codes for urban and suburban which did not necessitate creation of a special district.

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

Alan Prather, Tropicana attorney, said the company had made an effort to work within Form Based Code but it had not been successful. He added the rezoning would be helpful to comply with the Manufacturing Competitive Act and establish a Master Development Plan which would then be consistent in both the City of Bradenton and Manatee County.

Diane Chadwick, 777 Harbour Island Blvd., Tampa, a planner with Stantec, utilized a PowerPoint presentation to display the geographical areas of the plant which would be benefitted by the development of a Master Development Plan for proposed expansions.

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

MOTION TO APPROVE Ordinance 3008 was made by Councilman Byrd, seconded by Vice Mayor Roff, and approved 5-0.

ORDINANCE NO. 3009 SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON LAND USE ATLAS, CHANGING THE ZONING FROM T4-O TO URBAN COMMERCIAL CORRIDOR FOR PROPERTIES SPECIFICALLY DESCRIBED IN EXHIBIT A; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Catherine Hartley stated there had been an individual at the Planning Commission who had been opposed to this ordinance. However, when he was made aware that this was a downward-zoning, he had been satisfied.

Alan Prather stated he was in agreement with staff recommendation for approval. Those in opposition were invited to come forward. None came. The Public Hearing was closed.

MOTION TO APPROVE Ordinance 3009 was made by Councilman Byrd, seconded by Vice Mayor Roff, and approved 5-0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL - None.

BUSINESS BY APPOINTMENT - None.

THE CITY COUNCIL MEETING WAS TEMPORARILY RECESSED BY MAYOR POSTON AND THE CRA MEETING WAS CALLED TO ORDER AT 9:57 A.M. BY CHAIRMAN HAROLD BYRD.

(Separate Minutes Maintained and Available.)

THE CRA MEETING WAS ADJOURNED BY CHAIRMAN BYRD AT 10:13 A.M. AND THE CITY COUNCIL MEETING WAS RE-OPENED BY MAYOR POSTON.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I - Councilman Gallo expressed his concern after reading an article in the Bradenton Herald regarding the delay in construction of the new Spring Hill Suites Hotel.

Ron Allen, NDC Construction, refuted the article's accuracy and stated that some minor issues had been resolved, construction had been resumed, and the scheduled opening in August or September 2018 was unchanged. An unnamed writer of an email was alluded to as the source of the errant information.

Councilman Gene Brown, Ward II - Councilman Brown thanked the police and fire departments for contributing to a successful start of the new school year. He urged everyone to come out to support local football teams this Friday night as they kick off a new season.

Vice Mayor Patrick Roff, Ward III - Vice Mayor Roff announced he had passed the last required course to become certified in Community Redevelopment. Only the basic class to be held in October at the annual conference remained to be hurdled prior to being fully licensed. He congratulated the Tampa Bay Regional Planning Council for being recognized by the Washington Post for emergency preparation planning for sea level rise. Lastly, Mr. Roff relayed a request from an individual who wished to see pickleball courts created at the

1 7th Avenue tennis courts. He felt that the courts were very underutilized and an adaption for pickleball, and possibly basketball also, would be appealing to many citizens. Carl Callahan stated that it would be important to involve the community in the decision.

Councilman Bemis Smith, Ward IV - Nothing to report.

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

Mayor Poston - Nothing to report.

DEPARTMENT HEAD REPORTS

Sharon Beauchamp: Ms. Beauchamp thanked **Human Resources Manager, Nilsa Taylor**, and **Generalists Enid Jack**, and **Shemeka Standifer** for conducting an excellent health insurance enrollment season. Ms. Taylor would be participating in a job fair to be held at Keiser College this Thursday to promote the benefits of becoming a city employee. Mayor Poston also gave a shout-out to **Rich Pierro** who had been instrumental in the procurement of a good health insurance plan. Finally, she announced that **Carol Gallagher** in the Accounting Department was retiring this Thursday following 20 years of service. She wished her well and thanked her for her dedication.

Catherine Hartley: Ms. Hartley announced that staff was being added in the Planning Department to fill slots which had become fulltime positions. She referred to a vacant house at 614 11th Ave. West which had been deemed unsafe and would be demolished. Rather than use CDBG funds which would be complicated to access, building department funds would be utilized to expedite the process. Finally, referring to the issues previously presented by Ginger Seybold, a surveyor would be sent out as soon as possible and resolutions sought. Ms. Hartley would also contact the developer in question.

Chief Edwards: Chief Edwards announced that a new custom fire engine was to be delivered this week. He invited everyone to attend the 911 Memorial Ceremony to be held Monday, September 11th at 8:30 a.m. at Riverwalk Park. Chief Edwards said that fire personnel were undergoing hands-on training in a vacant structure slated for demolition located behind the main library.

Assistant Chief McWade: AC McWade relayed the appreciation of Chief Bevan to Council for approving the forfeiture fund which was on today's Consent Agenda. The program had been started in June and had received 13 applicants, with 5 being awarded the funding which was generated by seizure of the proceeds of crimes.

Dave Beauchamp: Mr. Beauchamp expressed his appreciation that the City was going to be involved in job fairs to help find qualified staff to fill the numerous vacancies which exist. He also offered to answer any questions at any time which may arise following receipt of each Weekly Update supplied to Mayor and Council.

Carl Callahan: Mr. Callahan said there was quite a bit of business which should be addressed prior to the next scheduled City Council meeting on September 13th and proposed that a Special Meeting be held at 9:00 a.m. on Wednesday, August 30th. Council would be canvassed to ensure a quorum.

Bill Lisch: Mr. Lisch observed that originally people had to stand in line at the 1st Avenue

tennis courts and noted how things had changed with time.

There being no further business, Mayor Poston adjourned the meeting at 10:38 a.m.