

CITY OF BRADENTON

CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY MEETING MINUTES October 9, 2019 8:30 A.M.

The City of Bradenton City Council met in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 8:30 a.m. on Wednesday, October 9, 2019.

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

City Officials: Carl Callahan, City Administrator/Economic Development Director; Sharon Beauchamp, City Clerk & Treasurer; Catherine Hartley, Planning & Community Development Director; Charles Edwards, Fire Chief; Melanie Bevan, Police Chief; Jim McLellan, Public Works & Utilities Director, and Scott Rudacille, Interim City Attorney.

Councilman Sanders was out with an excused absence.

The pre-meeting invocation was led by Pastor Paul McLaughlin, Bible Baptist Church.

(The City does not endorse the religious beliefs of any speaker.)

Mayor Wayne Poston led the Pledge of Allegiance and the meeting was opened.

PROCLAMATIONS:

Red Ribbon Week: October 23-31, 2019

Allie Bergmann, Associate Director, Drug Free Manatee accepted the proclamation and invited Council to the Champions of Prevention breakfast on October 24, 2019. She added **Melanie Bevan, Police Chief** will be recognized at the breakfast as a nominee for the Manatee Children's Services 2019 Champion of Prevention Award.

PRESENTATIONS:

Jennifer Marshall, P.E. and Project Manager, Florida Department of Transportation. Ms. Marshall presented the Fall 2019 update to the Bradenton-Palmetto Connector study. The presentation provided transportation updates which included:

- Potential Bridge Addition
- Primary Corridor Connectors
- Environmental Data Gathering
- Public Engagement Plans
- Project Schedules

CITIZEN COMMENTS: None.

CONSENT AGENDA

- a) Budget Amendment 19-56: HLMP Funding
- b) Capital Asset Donation: Fire Department
- c) Forfeiture Funds Request: Police Department
- d) Bid Award: Glazier Gates II Construction
- e) Minutes: September 25, 2019

MOTION TO APPROVE CONSENT AGENDA was made by Councilman Brown and seconded by Councilman Roff. Motion passed 4-0. Councilman Sanders was excused.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:

Sharon Beauchamp, City Clerk & Treasurer

Ordinance 3051 – FIRST READING

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 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 26, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 29, REEMPLOYMENT AFTER RETIREMENT; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 3051 AND SET THE SECOND READING AND PUBLIC HEARING FOR OCTOBER 23, 2019 was made by Councilman Roff and seconded by Vice Mayor Byrd. Motion passed 4-0. Councilman Sanders was excused.

Ordinance 3052 – FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, ADOPTING AN OFFICIAL CITY SEAL; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Beauchamp clarified Ordinance 3052 isn't changing the City Seal, only legally defining it. **Councilman Roff** requested confirmation Ordinance 3052 will establish the seal so it cannot be used without permission and Ms. Beauchamp verified that is the case.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 3052 AND SET THE SECOND READING AND PUBLIC HEARING FOR OCTOBER 23, 2019 was made by Councilman Gallo and seconded by Vice Mayor Byrd. Motion passed 4-0. Councilman Sanders was absent.

Catherine Hartley, Planning & Community Development Director

MB.19.0562 Ward 1 Census Tract 4.07

Request by Todd M. Mathes of Benderson Development Company, LLC, agent, on behalf of owner Promenade Associates, LP by Benderson-Manatee, LC, for a Major PDP Amendment to add a drive-through coffee shop to the Preliminary Planned Development Project known as Northwest Promenade Shopping Center, a PDP in SCC zoning, located at 6701 Manatee Avenue West.

Marshall McCrary, Planning and Zoning Manager explained the applicant is requesting to amend a commercial Planned Development Project (PDP) to approve building and site modifications necessary to accommodate a drive-through restaurant in the Northwest Promenade Shopping Center. He noted staff found several issues with the proposed building and site modifications.

Staff Analysis:

The Planning, Fire, Police, and Public Works Departments have noted several issues with the plan. The proposed drive-through traffic enters the stacking lane in a westbound direction, opposing oncoming traffic from the west. Drive-through traffic is then directed around the back of the shopping center building, to exit onto 67th Street West. The applicant has proposed that the currently two way drive aisle around the back of the building be changed to one-way eastbound. This is counterintuitive to how the delivery areas are configured and to how deliveries are actually made.

Staff observed traffic at a similar use at 5783 Manatee Avenue West, Starbucks coffee drive-through, on a weekday morning from 7:30 AM to 9:30 AM. 142 cars passed through the Starbucks drive-through during that time. While the observed Starbucks traffic is 25% less than the ITE estimate, 142 cars would still mean that approximately one car per minute may pass through the back of the shopping center at the morning peak hours, which is also the time of deliveries and arriving employees who park at the rear of the building.

Delivery of goods to the retail and restaurant units is made from both small and large delivery trucks at the rear of the stores. Petco has its own loading dock, which is accessed from the north, then backed into by a semi-truck and trailer. Petco's delivery truck will be backing into oncoming traffic that is exiting the drive-through. Fresh Market's deliveries are also made into its own loading dock, into which the delivery truck backs into the dock from 67th Street West, also opposing exiting traffic from behind the shopping center.

Summary and Recommendation:

Staff is recommending DENIAL of MA.19.0562 based upon:

- i. Inconsistency with the City of Bradenton Comprehensive Plan Transportation Element Policies 1.4.7, 1.5.4, and map TRAN-4.
- ii. The site plan lacks the logical and safe traffic flow and higher standards required of PDP's by Chapter 3.4.1, and does not meet the buffer requirement of Chapter 3.4.1.3.b.v.
- iii. Concerns that the amended site plan does not promote safe traffic circulation and pedestrian safety within the shopping center.

The City of Bradenton Planning Commission met on September 18, 2019 and voted 4-2 in favor of recommending DENIAL of the application to amend FPDP-86-12 for the addition of a drive through facility.

Councilman Roff announced public safety is paramount and according to the proposed site plans, fire and garbage trucks will have a difficult time accessing the back of the building.

Discussion: Public safety concerns, dumpster redesign changes, garbage pick-up and tenant delivery schedules.

Mayor Poston announced he and Council received an email from **Todd Mathes, Director of Development, Benderson Development Company, LLC** requesting to speak regarding MB.19.0562. Mayor Poston invited Mr. Mathes to the podium.

Mr. Mathes explained the Traffic Impact Analysis provided by Kimley Horn reflected the drive-through restaurant wouldn't have an impact to traffic on Manatee Avenue. He provided several examples of traffic flow of similar drive-through restaurants, dumpster relocation and objections regarding "Inconsistency with the City of Bradenton Comprehensive Plan Transportation Element Policies" noted in the Staff Report. He concluded that he believes the proposed plan meets the requirements to code and he further believes any risk lies with the landlord, not the City.

Councilman Brown inquired as to whether Mr. Mathes' relocation plan for the dumpsters would alleviate garbage pick-up issues. **Jim McLellan, Public Works & Utilities Director** said while this was the first time he's seen the proposed dumpster relocation, he believes there would still be issues regarding pick-up.

Councilman Brown inquired as to whether the Fire Department felt comfortable with the proposed location of the drive-through. **Charles Edwards, Fire Chief** voiced his concerns regarding access to the North side of the building and asked **Ken Langston, Fire Marshal** to describe his findings after the on-site visit.

Mr. Langston announced a ladder fire truck was brought to the proposed location and there are issues accessing the rear of the building. He believes adding a drive-through at the proposed location would increase those issues. He also voiced his concerns regarding traffic flow and believes the entrance off Manatee Avenue is dangerous because of the likelihood of a traffic backup.

Discussion: Public safety and potential liability.

Scott Rudacille, Interim City Attorney announced there is typically governmental immunity for high-level planning decisions, however there is always a chance a liability claim could be brought against the City.

Mr. Rudacille advised Council refer to 3.4.1.2 General PDP Standards Subsection a., prior to making a motion on MB.19.0562. Mr. Rudacille then read the following for the record:

"3.4.1.2 a. Parking and Vehicular Access. While parking space, parking area design, and property access is dependent on the type of PDP proposed, the standards as set forth in Subsections 4.1.4 and

3.4.1.3 of these LURs shall be generally applied to achieve the highest quality possible. Typically, parking area design should reflect logical and safe traffic flow, opportunities for shared parking and interconnectivity, pedestrian-oriented interaction, and an abundance of well-designed landscaping. Shopping cart areas should be considered an integral component of parking area use."

MOTION TO DENY MB.19.0562 was made by Councilman Gallo and seconded by Councilman Roff. Motion passed 4-0. Councilman Sanders was absent.

MB.19.3647 Ward 4 Census Tract 20.11

Request by Jacques De Bruijn, agent for owner Sunvest GB Investments, Inc. for a one-year extension of time including reservation of capacity in public facilities for the Preliminary Planned Development Project known as Back Bay Preserve, located at 3700 State Road 64 East, a PDP in R-3 zoning.

Ms. Hartley explained the preliminary PDP was initially approved in 2007 and every year the owner requests a renewal. She said the property is a 7 acre vacant parcel which has incurred several Code Enforcement issues and staff recommended denial of this renewal. She added the property has just recently been brought up to code and if Council chooses to deny the renewal, the property would revert back to R3 – Multi-Family Zoning. She concluded there is approximately \$40,000 in outstanding Code Enforcement fines related to the property.

Vice Mayor Byrd reflected on past Code Enforcement violations related to the property and voiced his concerns regarding the neglect of the property over the years.

Discussion: Zoning changes and development of the property.

MOTION TO DENY MB.19.3647 was made by Vice Mayor Byrd and seconded by Councilman Brown. Motion passed 4-0. Councilman Sanders was absent.

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

BUSINESS BY APPOINTMENT: None.

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

(Separate Minutes Maintained and Available.)

THE CRA MEETING ADJOURNED AT 10:44 A.M. AND THE CITY COUNCIL MEETING WAS RECONVENED BY MAYOR POSTON.

COUNCIL & DEPARTMENT HEAD REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilman Gene Brown: Councilman Brown announced he's received several calls regarding installing speed humps on City roads. Chief Edwards said speed humps are a concern because of fire engine damage and delay in service time. Chief Bevan suggested a traffic study to accumulate data then make a decision.

Discussion: Speed humps, drivers speeding and liability issues.

Councilman Brown requested next steps for cleaning up old dumpster sites in the City. Ms. Hartley volunteered to work with Councilman Brown to identify sites that need updating.

Councilman Patrick Roff, Ward III: Councilman Roff discussed speeding and cut-through traffic in his ward. He suggested that residents park on the street to deter speeders.

Vice Mayor Harold Byrd, Ward V: Vice Mayor Byrd discussed moving forward with the City Charter review and said he spoke to other elected officials regarding retaining a consultant. Discussion continued regarding consultants. **Carl Callahan, City Administrator / Economic Development Director** offered to coordinate Council's review of the Charter and suggested Council may also want to include a review of the Administrative chapter (Chapter 2) of the Code of Ordinances. Further discussion ensued regarding the review process, the ability to make certain changes via ordinance, and Council's ultimate goals. Mr. Callahan suggested City Council may be helped by reviewing the Florida Municipal Officials' Manual, and offered to meet with them individually to discuss their thoughts on the matter.

Mayor Poston: Mayor Poston congratulated the Tampa Bay Rays on their recent win and added he's attending the Beer Tapping Ceremony today at Edelweiss restaurant to kick off Oktoberfest.

Sharon Beauchamp, City Clerk & Treasurer: Ms. Beauchamp announced the new benefits for employees began October 1, 2019 and she thanked Council for their support of this year's changes.

Catherine Hartley, Planning & Community Development Director: Ms. Hartley announced she attended the Congress for the New Urbanism (CNU) Florida Statewide Meeting on October 3-4, 2019 in Tampa. She said Panama City's Planning Director, Public Works Director and City Manager were there to share their experiences associated with Hurricane Michael. She announced in the city alone, 1 million trees were destroyed. She added 3.5 million cubic tons of waste were collected, all but three of their lift stations were damaged or destroyed, and all power lines were down. She concluded it took approximately three weeks to restore services in City Hall and is thankful the City of Bradenton hasn't been subjected to that scale of devastation.

Ms. Hartley announced the Arbor Day Tree Giveaway event was a success this year and suggested advertising the event sooner next year.

Chuck Edwards, Fire Chief: Nothing to report.

Melanie Bevan, Police Chief: Chief Bevan announced police officers are enforcing the new texting while driving law, primarily in school zones.

Chief Bevan was pleased to announce the department received a \$10,000 grant focusing on "dark web" training.

Jim McLellan, Public Works and Utilities Director: Mr. McLellan gave kudos to Jeannie Roberts, Communications Coordinator for creating a press release providing information regarding the single

stream recycle program. He announced he will provide Council with a scheduling update regarding recycle can distribution.

Mr. McLellan advised Thursday, October 10, 2019 is the second meeting at Prine Elementary School regarding the Sidewalks to Schools program.

Carl Callahan, City Administrator/Economic Development Director: Mr. Callahan also gave kudos to Ms. Roberts and requested the Bradenton Update Newsletter be posted in the lobby.

Scott Rudacille, Interim City Attorney: Mr. Rudacille announced he's continuing to work with County and City Officials regarding the panhandling ordinance.

The City Council meeting adjourned at 11:27 a.m.

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