

Approved by City Council  
August 12, 2020

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**MINUTES July 8, 2020**  
**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, July 8, 2020.

Present: Mayor Wayne Poston; Vice Mayor/Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilman Ward III Patrick Roff; Councilman Ward IV Bill Sanders and Councilman Ward V Harold Byrd, Jr.

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

The pre-meeting invocation was led by Major Robert Pfeiffer, The Salvation Army.

*(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: None.**

**PRESENTATIONS: None.**

**CITIZEN COMMENTS:**

**Sharon Beauchamp, City Clerk & Treasurer** explained the City Clerk's Office did not receive any citizen comments via voicemail or email prior to the meeting.

**Kurt Landefeld, 3993 Lakewood Avenue**, reiterated his concerns with the subject matter in Ordinance 3066.

**Keenan Wooten**, 1915 11<sup>th</sup> Avenue East. Mr. Wooten welcomed Mrs. Barnebey to Council then voiced his concerns regarding parking along 19<sup>th</sup> Street Court East.

**Jim McLellan, Public Works & Utilities Director** announced in conjunction with the Bradenton Housing Authority, staff is researching other parking options for residents in the area.

**Councilman Byrd** said in his opinion, it is imperative the Bradenton Housing Authority work in conjunction with staff to research other parking options for residents in the area.

**CONSENT AGENDA**

- a) Florida Police Benevolent Association, Inc. – Rank & File Bargaining Unit Agreement
- b) Minutes: June 10, 2020
- c) Minutes: June 24, 2020

- d) Resolution 20-52: Landscape Maintenance Memorandum of Agreement with FDOT
- e) SmartPhone Meter Reading Subscription Agreement
- f) SWFWMD Cooperative Funding Agreement: N842 Aquifer Protection Recharge Well

**Councilman Sanders** asked to remove Item a for further discussion.

**MOTION TO APPROVE CONSENT AGENDA ITEMS B-F** was made by Councilman Roff and seconded by Councilman Byrd. Motion passed 5-0.

**Councilman Sanders** requested clarification to assure Consent Agenda Item a, Rank & File Bargaining Unit Agreement, did not have any changes from the draft previously reviewed by Council. **Carl Callahan, City Administrator/Economic Development Director** said there were language cleanup changes that were previously discussed with Council. However, he added, those changes do not adversely impact the City financially.

**MOTION TO APPROVE CONSENT AGENDA ITEM A** was made by Councilman Byrd and seconded by Councilwoman Barnebey. Motion passed 5-0.

**BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:**

Scott Rudacille, City Attorney

**Ordinance 3066 – SECOND READING AND PUBLIC HEARING**

AN ORDINANCE OF THE CITY OF BRADENTON PROPOSING AN AMENDMENT TO THE BRADENTON CITY CHARTER; PROPOSING A CHARTER AMENDMENT REVISING THE POWERS OF THE OFFICE OF MAYOR; CALLING FOR A REFERENDUM ON THE PROPOSED AMENDMENT TO THE CHARTER TO BE HELD AT THE GENERAL ELECTION ON NOVEMBER 3, 2020; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR DIRECTION TO THE CITY CLERK AND COORDINATION WITH THE MANATEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Public Hearing was opened. Those in favor were asked to come forward and none came.

Those in opposition were asked to come forward and none came.

The Public Hearing was closed.

A discussion ensued regarding the power of the Mayor and bringing charter changes to referendum for the voters at the November 3, 2020 election.

**MOTION TO APPROVE ORDINANCE 3066** was made by Councilman Byrd and seconded by Councilman Roff. Motion passed 4-1. Vice Mayor Gallo voted no.

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

Scott Rudacille, City Attorney

## **Special Magistrate Recommendation regarding Promenade Associates, LP (Kawha Coffee)**

Mr. Rudacille explained on October 9, 2019, Council voted unanimously to deny the PDP amendment for the Northwest Promenade Property to open a Kawha Coffee drive through. Following that decision, he explained, the property owner filed a petition pursuant to the Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA). Mr. Rudacille said that began the process of a mediation then hearing before a magistrate. He said the item being brought forward is the Special Magistrate's Recommendation after the hearing.

Mr. Rudacille concluded Council has three options on how to move forward:

1. Accept the Recommendation of the Special Magistrate and direct staff to schedule a public hearing to consider approval of MA.19.0562 with suggested stipulations.
2. Modify the Recommendation of the Special Magistrate as described in Staff's Modification to Magistrate Recommendation, and direct staff to schedule a public hearing to consider approval of MA.19.0562 with suggested stipulations.
3. Reject the Recommendation of the Special Magistrate and direct staff to prepare a written decision with description of allowable uses for the Council's consideration.

**Vice Mayor Gallo** voiced traffic and public safety concerns should Council accept the Special Magistrate's recommendations and approve MA.19.0562.

A discussion ensued regarding traffic on Manatee Avenue and other businesses located in the Northwest Promenade Property.

**Charles Edwards, Fire Chief** and **Ken Langston, Fire Marshal** approached the podium and voiced their concerns with public safety and traffic on the property.

**Councilman Sanders** said in his opinion, government should not be involved with how local businesses operate and should Council reject the recommendation of the Special Magistrate, he would not support the motion.

**MOTION TO REJECT THE RECOMMENDATION OF THE SPECIAL MAGISTRATE AND DIRECT STAFF TO PREPARE A WRITTEN DECISION WITH DESCRIPTION OF ALLOWABLE USES FOR THE COUNCIL'S CONSIDERATION** was made by Vice Mayor Gallo and seconded by Councilman Byrd. Motion passed 4-1. Councilman Sanders voted no.

Carl Callahan, City Administrator/Economic Development Director

### **Habitat for Humanity Demolition Lien**

Mr. Callahan explained Habitat for Humanity requested the City waive the CDBG lien that had been placed on property located at 2207 11<sup>th</sup> Street West. Mr. Callahan added the City does not own the

property, however used CDBG funds to demolish the house located on the property. He continued Habitat for Humanity subsequently bought the property at a Tax Sale.

Mr. Callahan announced once the property was purchased, the City received a partial pay-off of the lien in the amount of \$2,608, leaving a remaining balance of \$10,342. He added Habitat for Humanity subsequently built two houses on the lot and because the lien could impede or impair them in the future, they are requesting the City waive the remaining lien balance.

Mr. Callahan said the staff recommendation is to allow the lien to be waived.

**Councilman Byrd** noted should the lien be waived, this will not set a precedent for other developers to request waivers of liens because Habitat for Humanity's mission is to provide affordable housing within our community.

**MOTION TO APPROVE THE WAIVER OF THE REMAINDER OF A CDBG DEMOLITION LIEN FOR A HABITAT FOR HUMANITY PROPERTY LOCATED AT 2207 11<sup>TH</sup> STREET WEST** was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 5-0.

**UNFINISHED BUSINESS: None.**

#### **COUNCIL REPORTS:**

**Vice Mayor/Councilman Ward I Gene Gallo:** Vice Mayor Gallo brought to Mr. McLellan's attention he may receive questions from residents regarding closing of a ski ramp at Palma Sola Bay. He said the County closed a boat ramp on the Palma Sola Causeway, which is in the County's jurisdiction, but not a ramp specific to ski boats.

Vice Mayor Gallo announced he was contacted by citizens requesting an ordinance be passed to require businesses post signs requesting customers wear face coverings. He added he would be in support of passing an emergency ordinance requiring business post such signs. He recommended Code Enforcement Officers provide signs to businesses and oversee the program.

Mr. Rudacille announced several jurisdictions have face covering ordinances, however he would research if any have passed regarding business requirements to place signs recommending customers wear face coverings prior to entering. He added if Council requests an emergency ordinance, he would bring it forward at the July 15, 2020 Special Meeting.

Councilman Roff said he supports wearing face coverings but in his opinion, this is a state issue.

A discussion ensued regarding state mandates, public safety and protecting the community.

**MOTION TO DIRECT CITY ATTORNEY SCOTT RUDACILLE TO DRAFT AN EMERGENCY ORDINANCE TO REQUIRE BUSINESS OWNERS POST SIGNS RECOMMENDING FACE COVERINGS AT THEIR PLACE OF BUSINESS** was made by Vice Mayor Gallo and seconded by Councilman Byrd. Motion passed 5-0.

**Councilwoman Barnebey:** Councilwoman Barnebey questioned if the Police Department is involved with a procedure called Crime Prevention through Environmental Design for the Riverwalk Extension. **Melanie Bevan, Police Chief** said the Police Department has not been involved in the design, then volunteered to review the plans and report any policing concerns.

**Councilman Ward III Patrick Roff:** Councilman Roff announced there is a Special Meeting scheduled at 1:30 p.m. today to view presentations for the Construction Manager At Risk for the Riverwalk Extension. He requested a vote for the firm be taken at another meeting because he is attending the meeting via teleconference.

It was the consensus of Council to vote for the Construction Manager At Risk during the July 15, 2020 Special Meeting.

**Councilman Bill Sanders, Ward IV:** Councilman Sanders announced after reviewing the draft Bradenton Police Department Citizen Advisory Committee policy, he has concerns regarding the board's authority.

**Councilman Byrd** requested an update regarding applications for the board and if there had been any changes to the policy after Council received the first draft.

**Chief Bevan** explained the draft is a starting point and once the board is formed, they would evaluate the policy with an attorney present to provide advice. She added the Police Department has sent several applications to citizens interested in serving on the committee.

A discussion ensued regarding committee oversight, the application process and the disciplinary process of Police Officers.

Councilman Sanders concluded by reading the credentials of Dan Perry, an applicant from Ward IV.

Chief Bevan announced her goal in establishing the committee is to not only review disciplinary cases, but to also review policies, procedures and training for the Police Department.

**Councilman Harold Byrd, Ward V:** Councilman Byrd announced he met with administration from the Bradenton Housing Authority and reiterated the invitation to speak with Council. He added he spoke to residents regarding volunteering to be on the Bradenton Housing Authority board.

Councilman Byrd requested an update on the Director of Planning position. Mr. Callahan thanked Council for providing their candidates and said after reaching out to the top five candidates, staff has received responses from three of them. Mr. Callahan said he will meet with Councilwoman Barnebey regarding her candidates, then Council can determine the benefits package for the candidate.

Councilman Byrd recommended several options to fill the Economic Development Director position.

Councilman Byrd requested an update with 3-D speed strips to hinder speeding on city streets. Mr. McLellan explained the durability of the 3-D strips and said he would meet with Councilman Byrd regarding which streets he would like the strips placed.

**Sharon Beauchamp, City Clerk & Treasurer:** Ms. Beauchamp announced Manatee County has advertised CARES Act funding is available and she will attend a conference call on July 10, 2020 to learn what funds might be available to the City for COVID-19 expenses.

Ms. Beauchamp announced a quote to upgrade the video technology in Chambers is coming in this week and she will bring details to Council for review.

**Jim McLellan, Public Works & Utilities Director:** Mr. McLellan announced due to COVID-19 and cautionary testing, Solid Waste Collection is down six drivers. He added the first priority is for garbage collection, which is running a day behind schedule. Mr. McLellan said staff is working hard to catch up on both garbage and yard waste collection.

Councilman Sanders requested an update of the reconstruction of 2<sup>nd</sup> Avenue East. Mr. McLellan said the consultant created a conceptual design and he had asked them to put the design in an aerial format to present to Council.

Councilman Sanders requested an update regarding paving streets in the City. Mr. McLellan said he would provide Council with an overall infrastructure update.

**Melanie Bevan, Police Chief:** Chief Bevan thanked Council for approving the Rank & File Bargaining Unit Agreement as well as recognizing Mr. Callahan and Ms. Beauchamp's efforts in facilitating the agreement.

Chief Bevan announced as part of the accreditation process, all policies are reviewed by the Commission for Florida Law Enforcement Accreditation, Inc. to ensure the policies meet their criteria. She said she fully expects with the diligence and hard work of staff; the Police Department will receive the accreditation again. Chief Bevan then gave kudos to staff at the Bradenton Police Department and thanked them for all their hard work.

**Charles Edwards, Fire Chief:** Nothing to report.

**Carl Callahan, City Administrator/Economic Development Director:** Mr. Callahan reiterated the CARES Act funding Ms. Beauchamp discussed is for all residents of Manatee County, including municipalities. He announced that information has been posted to the City's website as well as in press releases.

Mr. Callahan said once decided, he would like direction on how Council would like to fill the Economic Development position. He explained in the 2020-2021 budget, a separate position for Economic Development Director has been included.

**Scott Rudacille, City Attorney:** Nothing to report.

The City Council meeting adjourned at 11:35 a.m.

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