

Approved by City Council
September 9, 2020

CITY OF BRADENTON
CITY COUNCIL MEETING
MINUTES August 12, 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, August 12, 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 Pastor Don Sturiano with Kingdom Life Christian 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: 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.

Keenan Wooten, 1915 11th Avenue East reiterated his concerns with parking along 19th Street Court East.

CONSENT AGENDA

- a) Award of Construction Contract: Sludge Drying Lagoon at the Water Treatment Plant
- b) Budget Adjustment: BA20-37
- c) Forfeiture Fund Request: Metro Build Traffic Message Trailer with License Plate Reading Technology
- d) Forfeiture Fund Request: Safe Exchange Space for Residents
- e) Manatee County Interlocal Agreement: CARES Act Funding
- f) Minutes: July 8, 2020
- g) Minutes: July 15, 2020
- h) Minutes: July 22, 2020
- i) Minutes: July 29, 2020
- j) Resolution 20-61: SHIP Annual Report

MOTION TO APPROVE THE CONSENT AGENDA was made by Councilman Sanders and seconded by Councilman Byrd. Motion passed 5-0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:

Melanie Bevan, Police Chief

Edward Byrne Justice Assistance Grant (JAG) – PUBLIC HEARING

Chief Bevan explained the grant is for \$23,115.13 and the funds would be used to purchase a vehicle for the Police Department.

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.

MOTION TO APPROVE THE USES OF THE EDWARD BYRNE JUSTICE ASSISTANCE GRANT was made by Councilman Roff and seconded by Councilman Sanders. Motion passed 5-0.

Department of Planning and Community Development

Resolution 20-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING THE CITY OF BRADENTON'S CDBG 2020-21 ANNUAL ACTION PLAN; AND PROVIDING AN EFFECTIVE DATE.

Carl Callahan, City Administrator/Economic Development Director explained the CDBG 2020-21 Annual Action Plan was brought before Council and a public hearing was held on June 24, 2020. Following the public hearing, he continued, a 30-day public comment period was advertised and staff is requesting final approval of the CDBG 2020-21 Annual Action Plan.

Mr. Callahan concluded the bulk of the funds would be used to benefit low and moderate-income residents through subrecipients.

MOTION TO APPROVE RESOLUTION 20-62 was made by Councilman Sanders and seconded by Councilman Byrd. Motion passed 5-0.

LU.20.0494 - Ordinance 3059 – SECOND READING & PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON ZONING ATLAS; CHANGING THE ZONING DESIGNATION FROM R-2, TWO-FAMILY RESIDENTIAL, TO R-3, MULTI –FAMILY RESIDENTIAL FOR THE PROPERTY LOCATED AT 1201 27TH STREET EAST AND MORE PARTICULARLY DESCRIBED IN THE ATTACHED "EXHIBIT A";

PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Marshall McCrary, Planning and Zoning Manager presented information regarding the request to rezone the property located at 1201 27th Street East. Mr. McCrary explained the request by the applicant is to rezone approximately 12.4 acres on the corner of 27th Street East and 11th Avenue East from R-2, two family residential to R-3 multi-family. Mr. McCrary said should the zoning change be approved, R-3 zoning would introduce multi-family development opportunities, but the density would not increase. Because of the potential zoning change, he added, R-3 zoning allows for smaller lot sizes, greater lot coverage, and there may be more buildable area within the site.

***Staff Recommendation:** Because the proposed rezoning meets LUR Section 3.1.5, is consistent with R-3 zoning and the Comprehensive Plan, and is compatible with the development patterns of the surrounding area, staff recommends approval of the request.*

***Planning Commission Recommendation:** The Planning Commission considered this item in Regular Session on June 17, 2020 and issued a recommendation of Approval.*

Because of residents' traffic concerns, **Councilman Sanders** requested confirmation that 27th Street East is maintained by Manatee County and Mr. McCrary confirmed that is correct.

Councilman Byrd voiced his concerns with the possibility of a three story residential building adjacent to single-family homes in the neighborhood. He said traffic congestion along 27th Street East is a daily occurrence and in his opinion, allowing a large residential complex would only make traffic worse.

Should the rezone be approved, **Councilwoman Barnebey** asked if the project would come back to Council for final approval. Mr. McCrary said if the project develops under conventional R-3 zoning, the development process would be administratively reviewed for technical compliance by staff and not come back to Council for final approval.

Vice Mayor Gallo also voiced his concerns with potentially adding more traffic along 27th Street East.

Mr. Callahan administered the oath to anyone wishing to speak to Council during the public hearing.

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

Rachel Layton, ZNS Engineering, Representing the Applicant, presented on the proposed development which would be located at 1201 27th Street East. Ms. Layton announced 12-15 residents attended a virtual neighborhood meeting which explained the proposed zoning change, a concept plan and floor plans for what the applicant envisions would be built on the site. She said the residents' concerns were mainly about site access, traffic impacts to the existing street network and hurricane evacuation routes.

Should the request move forward, she continued, a traffic study would be prepared and discussed with Manatee County staff to add additional access points to the property. Ms. Layton concluded the

zoning request is consistent with the Future Land Use Map, the Comprehensive Plan for the City of Bradenton and staff and the Planning Commission recommended approval.

A discussion ensued regarding density numbers, concerns with increasing traffic in the area and the history of the site.

Councilman Byrd reiterated his concerns with potentially allowing an increase in the number of stories for the development because of the location of existing single-family homes adjacent to the property. He inquired as to the height of the proposed development. Ms. Layton said it is likely an application would be submitted next year for a Site Improvement Permit for a three-story apartment complex with a buffer to lessen the impact on neighbors.

Those in opposition were asked to come forward.

Those in who spoke in opposition:

Tom Thanas, Dye Harrison Law Firm, Representing the residents of the Tropical Shores Neighborhood

Mark Botts, Agent for River Run Estates, LLC

Dean Jorgensen, 1107 32nd Street Court East

Eddie Copeland, 909 27th Street East

Josh Perkins, 1017 Tropical Drive

Arturo Santos, Jr., 3106 Pine Street

Arthur Huggins, 1011 27th Street Court East

Susie Copeland, 1010 27th Street East

Deborah Stevenson, 1202 27th Street East

Beverly Woodie, 3904 2nd Drive NE

Keenan Wooten, 1915 11th Avenue East

Councilman Sanders suggested discussing traffic issues in the area with the MPO. **Mayor Poston** volunteered to send a letter outlining traffic concerns to the County and **Vice Mayor Gallo** suggested adding traffic issues along 26th Street West also.

Rebuttal:

Ms. Layton introduced **Nathan Kragt, Civil Engineer, ZNS Engineering**. Mr. Kragt explained the applicant is seeking the multi-family component for the zoning request. He added a traffic study will be presented to the County during the construction plan approval. Once completed, Mr. Kragt continued, the 44th Street East connection will relieve some east-west traffic congestion in the area.

Ms. Layton requested a continuance until an October hearing so their team can work through concerns and bring options back to Council.

Councilman Byrd again reiterated his concerns regarding neighborhood incompatibility with the proposed project.

The Public Hearing was closed.

A discussion ensued regarding continuing the hearing. Councilwoman Barnebey and Vice Mayor Gallo were in favor of continuing the hearing at a later date.

Councilman Byrd reiterated his belief that a three-story complex was incompatible for the neighborhood and Councilman Sanders reiterated his traffic concerns. Councilman Roff said he would have liked more information on the history of the project before changing zoning for the property.

MOTION TO DENY ORDINANCE 3059 was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 3-2. Vice Mayor Gallo and Councilwoman Barnebey voted no.

Mr. Rudacille announced staff will prepare an Order for Denial to be presented at the August 26, 2020 City Council Meeting.

LU.20.0637 - Ordinance 3060 – 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 DESIGNATION FROM T4-R, URBAN GENERAL – RESTRICTED, TO T4-O, URBAN GENERAL – OPEN, FOR THE PROPERTIES LOCATED AT 924 7TH AVENUE EAST AND 928 7TH AVENUE EAST AND MORE PARTICULARLY DESCRIBED IN “EXHIBIT A”; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. McCrary presented information regarding the request to rezone the properties located at 924 7th Avenue East and 928 7th Avenue East. He explained the properties are currently zoned T4-R and the applicant is requesting a zoning change to T4-O. Mr. McCrary added T4-R is used for residential use and T4-O introduces some limited office and retail types of uses.

Staff Recommendation: Because the proposed rezoning meets LUR Section 3.1.5, is consistent with T4-O zoning and the Comprehensive Plan, and is compatible with the development patterns of the surrounding area, staff recommends approval of the request.

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

Paul Grivas, Applicant, 106 9th Street East, explained the footprint of the structures are not set to change in any significant way and he is in the process of restoring the westernmost property to pass muster for a use change. Should Council approve the zoning change, he added, the property would be used as his law firm. Mr. Grivas announced the easternmost property's use would not change at this time, as the house is currently a residential rental property.

A brief discussion ensued regarding the history of the property.

Those in opposition were asked to come forward. None came.

The Public Hearing was closed.

MOTION TO APPROVE ORDINANCE 3060 was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 5-0.

Scott Rudacille, City Attorney

Ordinance 3070 – FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, AMENDING CHAPTER 62, ARTICLE IV OF THE CODE OF ORDINANCES TO PROVIDE CLOSING HOURS FOR THE PUBLIC DAY DOCK LOCATED AT RIVERWALK PARK; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Beauchamp read Ordinance 3070 for the record and announced the Second Reading and Public Hearing is scheduled for August 26, 2020.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL:

Scott Rudacille, City Attorney

Land Use Restriction Agreement with Pearl Homes Partnership Eight, LLC

Scott Rudacille, City Attorney explained the Land Use Restriction Agreement is related to the Manatee Inns site. He added the agreement would constitute Council's agreement for the impact fee waiver, lock in the parameters of the rent numbers to ensure the property remains as workforce housing for 15 years and develop the site in accordance with the applicant's proposal that was presented to the CRA Board. He concluded the impact fee waiver referenced in the agreement is the reason it is before City Council as apposed to the CRA Board.

Councilman Roff requested an update on the closing process. Mr. Rudacille explained the applicant has requested to close on the property within a week.

Councilman Sanders inquired if any other fees or tax credits would be waived other than impact fees. Mr. Callahan confirmed only impact fees are waived per the agreement and the amount will not be known until the number of units are decided upon.

MOTION TO APPROVE THE LAND USE RESTRICTION AGREEMENT WITH PEARL HOMES PARTNERSHIP EIGHT, LLC AND AUTHORIZE THE MAYOR TO EXECUTE THE SAME was made by Councilman Roff and seconded by Vice Mayor Gallo. Motion passed 5-0.

UNFINISHED BUSINESS:

Melanie Bevan, Police Chief

2020 Cops Hiring Program (CHP)

Mr. Callahan explained within the CRAs, there is legal funding and usable funding for community policing available. He added Chief Bevan created a Community Policing Plan that outlines how to use the proposed officers exclusively within the CRAs, should Council decide to move forward with that funding source.

Mr. Callahan announced the matching grant is approximately \$100,000 a year, over the next three years. If split between the CRAs, he continued, equals approximately \$30,000 to \$35,000 each year. He said he believes there is an opportunity to create a more robust policing plan that will utilize police resources throughout the CRAs. Mr. Callahan said if Council is inclined to move forward, the City must still accept the grant, but would take the CRA Board's approval to add as a budget item for funding.

Councilman Sanders asked how many officers would be added, should the City accept the grant. **Melanie Bevan, Police Chief** said three officers would be added and funding for vehicles would be from other grant sources.

Councilman Roff explained some areas of the CRAs do not need policing as much as some close outlying areas. He asked if the officers would be required to police only inside the CRA boundaries. Chief Bevan said if criminal activity outside the CRA is impacting the CRA, the officers can certainly address those activities. She added in emergency situations such as hurricanes, there is a caveat that the officers may assist outside of the CRAs.

A discussion ensued regarding the potential benefits having specific officers assigned to the CRAs and future budgetary concerns.

MOTION FOR CONTINUANCE OF CONSIDERATION FOR THE 2020 COPS HIRING PROGRAM was made by Councilman Sanders. Motion died for lack of a second.

Councilman Byrd recommended tabling consideration of the grant until the CRA Board discussed funding the grant.

MOTION TO APPROVE THE 2020 COPS HIRING PROGRAM was made by Vice Mayor Gallo and seconded by Councilwoman Barnebey.

MOTION TO TABLE THE CONSIDERATION OF THE 2020 COPS HIRING PROGRAM was made by Councilman Byrd and seconded by Councilman Sanders. Motion passed 3-2. Councilwoman Barnebey and Vice Mayor Gallo voted no.

After a brief discussion regarding adding a date to reconsider the 2020 COPS Hiring Program, **MOTION TO RECONSIDER THE MOTION TO TABLE SO A DATE COULD BE ADDED TO THE MOTION TO TABLE THE CONSIDERATION OF THE 2020 COPS HIRING PROGRAM** was made by Councilman Roff and seconded by Councilman Byrd. Motion passed 4-1. Vice Mayor Gallo voted no.

Chief Bevan approached the podium and announced the State encourages applying for the grant 72 hours prior to the deadline, which is August 27, 2020 at 5:00 pm. Chief Bevan added should Council approve applying for the grant, the City will still have 30 days to decline funding. Ms. Beauchamp announced if a number of people are applying at the last minute, there could possibly be technical difficulties that could cause the City to lose the grant opportunity.

A discussion ensued regarding holding a City Council Special Meeting on August 19, 2020 to discuss the grant further.

MOTION TO TABLE THE CONSIDERATION OF THE 2020 COPS HIRING PROGRAM UNTIL THE AUGUST 19, 2020 CITY COUNCIL SPECIAL MEETING was made by Councilman Sanders and seconded by Councilman Byrd. Motion passed 5-0.

COUNCIL REPORTS:

Mayor Wayne Poston: Nothing to report.

Vice Mayor/Councilman Ward I Gene Gallo: Nothing to report.

Councilwoman Ward II Marianne Barnebey: Councilwoman Barnebey offered her condolences to the City of Palmetto's Mayor, Shirley Groover Bryant, following the loss of her brother.

Councilman Ward III Patrick Roff: Nothing to report.

Councilman Ward IV Bill Sanders: Councilman Sanders asked how staff will move forward with the County regarding traffic concerns along 27th Street East. Mr. McLellan announced he will contact his counterpart at the County about putting flashers to go along with the two the City installed along 9th Avenue East.

A discussion ensued regarding traffic issues along 27th Street East and 26th Street West and approaching the MPO.

Councilman Sanders inquired about a resident's desire to connect to the City's sewer line and Mr. Callahan announced he spoke to the resident yesterday afternoon and gave him the information he requested.

Councilman Ward V Harold Byrd: Nothing to report.

Sharon Beauchamp, City Clerk & Treasurer: Ms. Beauchamp announced a Council of Governments Meeting is scheduled for September 1, 2020 at 4:00 pm and inquired if anyone from Council would be attending. It was the consensus of Council that at least one member would attend and discuss on traffic concerns along 27th Street East and 26th Street West.

Ms. Beauchamp announced the County's annual ethics training will be held virtually this year on September 30, 2020 at 8:30 am.

Ms. Beauchamp requested direction regarding tabled Resolution 20-56 from the July 22, 2020 meeting. Ms. Beauchamp reminded Council there were questions asked and answered regarding one of the proposed Planning Commission appointment's association with the City.

After a brief discussion, **MOTION TO TAKE RESOLUTION 20-56 OFF THE TABLE** was made by Councilman Roff and seconded by Councilwoman Barnebey. Motion passed 5-0.

MOTION TO APPROVE RESOLUTION 20-56 was made by Councilman Roff and seconded by Councilwoman Barnebey. Motion passed 5-0.

Jim McLellan, Public Works & Utilities Director: Mr. McLellan announced planning is underway for replacement of the brick paver mid-block crosswalk adjacent to the Courthouse. He said this is currently planned to be done on August 14th, and will require a one-day closure of 12th Street West from 6th Avenue West to Manatee Ave.

Mayor Poston inquired if the street lighting along Old Main Street was operational again. Mr. McLellan said the lighting was off for a few nights because a breaker was inadvertently left off and the situation has since been rectified. Mr. McLellan added the tree lights are now working along Old Main Street from 3rd Avenue West to Barcarrota Boulevard.

Charles Edwards, Fire Chief: Chief Edwards announced staff is moving to the Red Cross building this week prior to beginning construction of Fire Station 3.

Melanie Bevan, Police Chief: Nothing to report.

Carl Callahan, City Administrator/Economic Development Director: Nothing to report.

Scott Rudacille, City Attorney: Nothing to report.

The City Council meeting adjourned at 12:11 p.m.

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