

CITY OF BRADENTON
CITY COUNCIL MEETING
MINUTES August 26, 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 26, 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 Councilman Harold Byrd.

(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:

Rodney Jones, 213 16th Avenue West, announced he submitted a public records request to the Police Department and has not received the requested information.

Keenan Wooten, 1915 11th Avenue East announced he spoke to staff at Manatee County regarding traffic concerns and future projects along 27th Street East. Mr. Wooten concluded by reiterating his concerns with parking along 19th Street Court East.

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.

CONSENT AGENDA

- a) Human Resources: Agreement with Publix to Provide Flu Shots
- b) Legislative: Resolution 20-63 - Council of Governments Meeting
- c) Planning & Community Development: Final Order Denying Ordinance 3059
- d) Planning & Community Development: Resolution 20-64 - Salvation Army of Manatee County Subrecipient Contract
- e) Police: Forfeiture Funds Request - Florida Contraband Forfeiture Grant Program
- f) Public Event: Downtown Bradenton Farmers' Market on Old Main Street
- g) Public Event: Tribute to Heroes Memorial Service

- h) Public Works: As Needed Manhole Lining Services
- i) Purchasing: Contract Renewal - Disaster Debris Collection Services

MOTION TO APPROVE THE CONSENT AGENDA was made by Councilman Roff and seconded by Vice Mayor Gallo. Motion passed 5-0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS:

Ordinance 3070 – SECOND READING AND PUBLIC HEARING

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.

Scott Rudacille, City Attorney explained Ordinance 3070 would add a line to the Code of Ordinances creating closing hours for the public day dock located in Riverwalk Park. Mr. Rudacille added the closing hours would be 11:00 p.m. to 6:00 a.m. and boat mooring would be prohibited during that time.

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

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

The Public Hearing was closed.

MOTION TO APPROVE ORDINANCE 3070 was made by Councilman Sanders and seconded by Councilwoman Barnebey. Motion passed 5-0.

Ordinance 3071 – FIRST READING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, REQUIRING BUSINESS ESTABLISHMENTS TO POST SIGNAGE REGARDING FACE COVERINGS AS MORE FULLY SPECIFIED HEREIN; REPEALING AND REPLACING EMERGENCY ORDINANCE 3067; PROVIDING FOR SEVERABILITY; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION TO APPROVE THE FIRST READING OF ORDINANCE 3071 AND SET THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 9, 2020 was made by Councilman Roff and seconded by Councilman Gallo. Motion passed 5-0.

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

UNFINISHED BUSINESS:

Reconsideration of Resolution 20-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, REJECTING THE RECOMMENDATION OF THE SPECIAL MAGISTRATE IN THE MATTER OF PROMENADE ASSOCIATES, LP, PETITION FOR RELIEF PURSUANT TO SECTION 70.51, FLORIDA STATUTES; ISSUING A

WRITTEN DECISION DESCRIBING USES AVAILABLE TO THE SUBJECT PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rudacille reminded Council Resolution 20-60 is the rejection of the recommendation of the Special Magistrate in the matter of Promenade Associates, LP, adding a Kahwa Coffee to the Promenade Shopping Center. He added this was originally heard at the July 8, 2020 City Council Meeting and there is an alternative recommendation from staff with stipulations if Council is inclined to approve the petition. He concluded that Council may also reject the Special Magistrate's recommendation, which was the original action taken regarding this matter.

Vice Mayor Gallo reiterated his public safety concerns and said he visited the site again. Vice Mayor Gallo announced he also visited Cortez Commons shopping plaza and the exit only on the eastern side of the property seems to be working well. He requested Benderson Development to consider an exit-only option on the western side of the property to assist in preventing a traffic jam on Manatee Avenue. Vice Mayor Gallo presented an aerial view of the shopping center with his proposed changes.

Councilwoman Barnebey requested **Ken Langston, Fire Marshal**, explain how the proposed gate at the storage facility would work, should the Fire Department need to enter or exit the shopping center parking lot via that entrance.

Mr. Langston explained the gate is electronic and all fire trucks would have a remote that would open and close the gate. He concluded there are similar gates located within the City and the system works well.

Todd Mathes, Benderson Development, explained that one of staff's stipulations is that the entrance on the west side of the property not be blocked by cars waiting in the drive through. He added a stipulation has been added to the lease that if that area is blocked by drive-through traffic, the lease would terminate. Mr. Mathes explained they are not prepared to eliminate the right-in/right-out at the entrance off Manatee Avenue, as depicted in the aerial photograph.

A discussion ensued regarding who would report a traffic back-up at the drive-through location, traffic changes and the potential impact to other tenants in the complex, should Council agree to the compromise plan.

Vice Mayor Gallo reiterated his public safety concerns, should Council agree to move forward with allowing the installation of a Kahwa Coffee drive-through lane at that location without the compromise plan in place.

Marshall McCrary, Development Services & Zoning Manager, explained should Council approve the compromise plan, staff would review and make any necessary technical changes. Then, he added, the edited plans would be presented to Council for approval.

Councilman Sanders and Councilman Roff supported the applicant's request, with the addition to terminate the lease should traffic back-up at the drive through.

MOTION TO SUPPORT THE COMPROMISE PLAN PRESENTED BY VICE MAYOR GALLO THAT INDICATES AN EXIT-ONLY OPENING ONTO MANATEE AVENUE, AND INCLUDING PRIOR STAFF STIPULATIONS, TO BE SENT BACK TO CITY STAFF FOR ADMINISTRATIVE REVIEW AND APPROVAL was made by Vice Mayor Gallo and seconded by Councilman Harold Byrd. Motion passed 3-2. Councilmen Patrick Roff and Bill Sanders voted no.

Ballard Park Post-Closing Development Agreement: Proposed revisions to agreement.

Mr. Callahan explained the developer requested that they be given an additional six months to complete the first home covered by the Agreement. He added the developer was concerned that should extenuating circumstances occur, they would need a six-month extension after closing to complete the project. Mr. Callahan announced this Post-Closing Agreement only pertains to the first two lots and does not pertain to the remaining six lots.

Mr. Rudacille requested direction from Council whether the modified extension should be added for the remaining six lots, or should each closing be brought before Council to approve any extensions.

Councilman Roff announced other homes under construction in the Ballard Park neighborhood have taken longer than 12 months to complete and, in his opinion, this is a reasonable request from the developer.

It was the general consensus of Council to approve this modified Development Agreement for the first two lots only, and review future extensions on the remaining lots should the developer request them.

MOTION TO APPROVE THE REVISIONS TO THE BALLARD PARK POST-CLOSING DEVELOPMENT AGREEMENT was made by Councilman Roff and seconded by Councilman Sanders. 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 announced this week is historic for women due to the 100th anniversary of the passing of 19th Amendment, giving American women the right to vote. She then spoke fondly of her grandmother sharing her experience of voting for the first time.

Councilman Ward III Patrick Roff: Councilman Roff said there may be some confusion for the public understanding the ballot referendum language. He requested more information be available for the public.

Councilman Ward IV Bill Sanders: Councilman Sanders requested a City Council Special Meeting be held to further discuss the 2020-2021 Budget.

Following a brief discussion, **MOTION TO SCHEDULE A CITY COUNCIL SPECIAL MEETING FOR SEPTEMBER 2, 2020 AT 9:00 AM** was made by Councilman Sanders and seconded by Councilman Roff. Motion passed 5-0.

Councilman Ward V Harold Byrd: Councilman Byrd thanked **Jim McLellan, Public Works & Utilities Director** for the input regarding the scheduled work along 15th Street East and will relay the information to residents in the area.

Sharon Beauchamp, City Clerk & Treasurer: Ms. Beauchamp thanked Council for approving the contract with Publix regarding flu shots and announced the agreement provides free flu shots along with a \$10 Publix gift card to City employees.

Ms. Beauchamp announced **Jeannie Roberts, Communications Coordinator** is preparing documentation explaining the referendum items on the November 3, 2020 ballot. The documentation, she added, will be distributed and posted on the City's website.

Josh Cramer, Assistant Police Chief: Assistant Chief Cramer apologized to the Mayor and Council regarding the delay in providing information requested in the public records request Mr. Jones spoke of during Citizen Comment. He explained Mr. Jones sent a public records request on July 21, 2020 and the request was then forwarded to Lieutenant Stahley, who compiled the information requested. Assistant Chief Cramer took responsibility of the delay in forwarding the information to Mr. Jones and said the information was forwarded along with an email this morning.

Assistant Chief Cramer said he takes his position as the Records Management Liaison Officer very seriously and again apologized for the mistake.

In conclusion, Assistant Chief Cramer extended the invitation for everyone to visit the new outdoor lobby outside the Police Department.

Jim McLellan, Public Works & Utilities Director: Nothing to report.

Charles Edwards, Fire 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 10:20 a.m.

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