

CITY OF BRADENTON

CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY MEETING MINUTES September 11, 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, September 11, 2019.

Present: Mayor Wayne Poston; Councilman Ward I Gene Gallo; Councilman Ward II Gene Brown; Councilman Ward III Patrick Roff; Councilman Ward IV Bill Sanders; 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; Josh Cramer, Assistant Police Chief; Paul McWade, Assistant Police Chief; Jim McLellan, Public Works & Utilities Director, and Scott Rudacille, Interim City Attorney.

The pre-meeting invocation was led by Major Juan Guadalupe, The Salvation Army.

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

Mayor Wayne Poston led the Pledge of Allegiance and announced Chief Bevan and Assistant Chief Paul McWade are attending the 2019 Patriot Day Memorial Breakfast at The Historic Coliseum in St. Petersburg and may be delayed in attending the Council Meeting. Mayor Poston read the following statement from Chief Bevan:

"Each year, RHS (Remember-Honor-Support) chooses local heroes throughout the Tampa Bay Area to be recognized and honored. Amongst them are active military, veterans, wounded warriors, first responders and/or family member of the fallen.

We are proud that Master Patrol Officer Christopher Hutchko and Lieutenant James Wilkinson of the Bradenton Police Department are being recognized as a RHS Hero for 2019."

Mayor Poston announced this is the first year he was unable to attend the 9/11 Memorial Service at the Emergency Services Memorial on the Riverwalk. He shared a statement that was read at the Memorial Service in his stead:

"It's been 16 years since the almost unbelievable and unbearable tragedies in New York City, Pennsylvania and Washington D.C., when Americans were attacked on our own soil.

We are here today to remember those events and the heroes we lost, and are still losing due to injuries suffered so long ago.

Many communities are forgetting what happened. We are not forgetting.

We are gathered to honor those we lost and remember them for their valor, their character and their love they displayed to make us all safe. I vow to you Bradenton will always have this ceremony while it is on my watch as Mayor.

As Jeff Parness, founder of New York Says Thank You, wrote:

"When Americans lend a hand to one another, nothing is impossible. We're not about what happened on 9/11. We're about what happened on 9/12."

Thank you for being here, and lending a hand."

He then opened the meeting.

PROCLAMATIONS: - None.

PRESENTATIONS: - None.

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

CITIZEN COMMENTS:

Glen Gibellina, 7110 28th Street East. Mr. Gibellina announced he attended the 2019 Affordable Housing and SHIP Conferences. He provided Council with information and a letter he composed to School Board Members suggesting eliminating school impact fees for affordable housing.

CONSENT AGENDA

- a) e-Certify Subscription Renewal: MailFinance
- b) Minutes: August 28, 2019
- c) Minutes: August 30, 2019 Emergency Meeting
- d) PSAP Emergency Communication Interlocal Agreement
- e) Resolution 19-57: Council of Governments Meeting
- f) Water Reclamation Mechanical Screen Improvements: Public Works

Item d was pulled by **Charles Edwards, Fire Chief** and will be resubmitted at a later date.

MOTION TO APPROVE CONSENT AGENDA ITEMS a-c AND e & f was made by Councilman Brown and seconded by Councilman Roff. Motion passed 5-0.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS & COMMUNICATIONS

Catherine Hartley, Planning & Community Development Director

Ordinance 3050 – SECOND READING AND PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, DESIGNATING SPECIAL MAGISTRATES TO CONDUCT CODE ENFORCEMENT HEARINGS; PROVIDING FOR THE APPOINTMENT OF SPECIAL

MAGISTRATES; PROVIDING FOR THE CITY ATTORNEY TO ACT AS COUNSEL TO CODE ENFORCEMENT STAFF; PROVIDING FOR AMENDMENTS RELATED TO ADMINISTRATIVE FINES, COSTS OF REPAIRS AND LIENS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

To streamline the process for Code Enforcement Hearings, **Volker Reiss, Code Enforcement Manager** explained Ordinance 3050 would give approval for staff to utilize a Special Magistrate in lieu of a Code Enforcement Board.

Beginning October 1, 2019, he added, Ordinance 3050 will cap fines at \$75,000 and this cap will be retroactive for all existing fines.

Discussion: Capping fines incurred after October 1, 2019 in lieu of capping fines retroactively.

MOTION TO CHANGE THE PROPOSED LANGUAGE TO MAKE THE CAP ON FINES NOT RETROACTIVE was made by Councilman Roff. The motion received no second.

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

Glen Gibellina came forward and recommended putting more pressure on lenders to keep bank owned properties in code compliance.

Discussion: Bank-owned properties versus investor-owned properties and imposing fines.

Councilman Brown inquired if fines are being reduced by the Code Enforcement Board prior to code violations being resolved. **Catherine Hartley, Planning & Community Development Director** confirmed that has occurred in the past, however, Ordinance 3050 will prevent that from happening in the future. Under the Special Magistrate, she added, the property must be in compliance prior to asking for a reduction.

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

The Public Hearing was closed.

MOTION TO APPROVE ORDINANCE 3050 was made by Councilman Gallo and seconded by Councilman Brown. Motion passed 5-0.

Resolution 19-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPOINTING SPECIAL MAGISTRATES TO ACT IN THE PLACE OF AND TO EXERCISE ALL POWERS OF THE CODE ENFORCEMENT BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mr. Reiss explained the Special Magistrate recommended by former City Attorney, William Lisch, is Maggie Mooney with Persson, Cohen & Mooney, P.A. Mr. Reiss provided background information for Ms. Mooney and requested Council approve Resolution 19-59.

MOTION TO APPROVE RESOLUTION 19-59 was made by Vice Mayor Byrd and seconded by Councilman Gallo. Motion passed 5-0.

Engagement Letter Approval

Engagement Letter outlining the duties and responsibilities of Maggie D. Mooney pertaining to her appointment as the City's special magistrate for code enforcement.

MOTION TO APPROVE THE ENGAGEMENT LETTER was made by Councilman Gallo and seconded by Councilman Brown. Motion passed 5-0.

SU.19.2578 – PUBLIC HEARING

Request by 2016 Morgan Johnson Bradenton, LLC, owners, and represented by Matthew R. Femal, P. E. of Kimley-Horn and Associates, Inc. for a Special Use permit to allow a restaurant with drive-through having more than 20 seats for property located within SCC (Suburban Commercial Corridor) zoning. The property is located at 5700 SR 64 East, Bradenton, FL 34208, Parcel ID Number 1120300159.

Marshall Robinson, City Planner provided a brief overview of SU.19.2578 and explained the applicant is requesting a Special Use Permit approval required for restaurants having more than 20 seats within the Suburban Commercial Corridor.

Planning Commission Action:

The City of Bradenton Planning Commission held a Public Hearing on this matter at their regular meeting on August 21, 2019. The Planning Commission unanimously voted to recommend APPROVAL of the requested Special Use permit together with two waivers and one variance and staff's recommended stipulations.

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 SU.19.2578 was made by Councilman Sanders and seconded by Councilman Roff. Motion passed 5-0.

SU.19.2579 – PUBLIC HEARING

Request by 2016 Morgan Johnson Bradenton, LLC, owners, and represented by Matthew R. Femal, P. E. of Kimley-Horn and Associates, Inc. for a Special Use permit to allow a service station/ repair automotive use (discount tire sales and service) for property located within SCC (Suburban Commercial Corridor) zoning. The property is located at 5700 SR 64 East, Bradenton, FL 34208, Parcel ID Number 1120300159.

Mr. Robinson provided a brief overview of SU.19.2579 and explained the applicant is requesting a Special Use Permit approval to allow service station/automotive repair use for property located within the Suburban Commercial Corridor.

Planning Commission Action:

The City of Bradenton Planning Commission held a Public Hearing on this matter at their regular meeting on August 21, 2019. The Planning Commission unanimously voted to recommend APPROVAL of the requested Special Use permit together with two waivers and one variance and staff's recommended stipulations.

MOTION TO APPROVE SU.19.2579 was made by Councilman Sanders and seconded by Vice Mayor Byrd. Motion passed 5-0.

RESOLUTION NUMBER 19-47 – Water/Sewer/Reclaimed Water Rate Adjustment – Public Hearing

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CITY'S RATE AND FEE STRUCTURE FOR CITY WATER, SEWER AND RECLAIMED WATER CHARGES BY INCREASING SUCH FEES; AND PROVIDING AN EFFECTIVE DATE.

Jim McLellan, Public Works & Utilities Director announced each year the Public Works Department may seek to increase the cost of utilities per the Consumer Price Index for Public Utilities. He said the rate increase is intended to allow the Public Works Department to cover operational costs, cover the increase in employee health insurance costs and continue the Infrastructure Improvement Program. The increase, he continued, represents a net revenue increase for water and sewer of \$414,755.

To educate the public on water treatment costs, Councilman Roff requested the amount allocated each year for chemicals. Mr. McLellan replied the chemical costs are just over \$1,800,000 for water treatment and for sewer, the amount allocated is \$400,000.

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 RESOLUTION 19-47 was made by Councilman Gallo and seconded by Councilman Roff. Motion passed 5-0.

RESOLUTION NUMBER 19-48 – Stormwater Rate Adjustment – Public Hearing

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE CITY'S RATE AND FEE STRUCTURE FOR CITY STORMWATER UTILITY CHARGES BY INCREASING SUCH FEES; AND PROVIDING AN EFFECTIVE DATE.

Mr. McLellan announced the stormwater utility rate increase will generate approximately \$40,000 in extra revenue. He explained the \$.25 rate increase per household would bring the monthly residential stormwater rate up from \$4.87 to \$5.12 a month. Mr. McLellan added even with the rate increase,

the cost to residents is still a minimum of \$2.50 a month below the utility costs of surrounding communities.

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 RESOLUTION 19-48 was made by Councilman Roff and seconded by Councilman Sanders. Motion passed 5-0.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Jim McLellan, Public Works & Utilities Director

RESOLUTION NUMBER 19-49 – Solid Waste Rate Adjustment

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, AMENDING THE FEE SCHEDULE FOR CITY GARBAGE, TRASH AND RECYCLING CHARGES BY INCREASING SUCH FEES, CHAPTER 58, SECTION 61 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA AND PROVIDING AN EFFECTIVE DATE.

Mr. McLellan explained there are two reasons for the increase for Solid Waste rates this year. The first, he explained, is for the purchase of new rear loader trucks to replace the side arm trucks. He said the rear loader trucks require two operators, therefore part of the rate increase is due to extra personnel.

Mr. McLellan announced the second reason for the rate increase is because the City's current recycling facility will be ceasing operations by the end of October 2019. However, he added, Public Works staff planned to shift to a single stream recycle program for some time. He said the cost to the City to purchase new cans will be \$222,000 per year, over the next three years. Mr. McLellan announced in order to participate in a single stream recycle program, the disposal cost will increase from \$48 a ton to \$100 per ton. He concluded the residential rate increase per household will be \$.60 a month.

Councilman Gallo inquired if single stream recycling meant residents no longer need to separate recyclables prior to pick up. Mr. McLellan confirmed that all recyclables would be put in a large can and separated at the recycling facility.

MOTION TO APPROVE RESOLUTION NUMBER 19-49 was made by Councilman Roff and seconded by Vice Mayor Byrd. Motion passed 5-0.

Catherine Hartley, Planning & Community Development Director

Resolution 19-54 - SHIP Housing Rehabilitation Project Funding

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA, APPROVING HOUSING REHABILITATION LOAN #661 FOR \$44,188.00; AND PROVIDING AN EFFECTIVE DATE. 3408 23rd Avenue West

MOTION TO APPROVE RESOLUTION 19-54 was made by Vice Mayor Byrd and seconded by Councilman Gallo. Motion passed 5-0.

Carl Callahan, City Administrator/Economic Development Director

Fire Station #3 – Design Approval

Mr. Callahan explained Fire Station #3 located at 2901 59th Street West is set to be demolished and rebuilt. After a lengthy design process focusing on functionality, he added, Fawley Bryant Architecture will be presenting plans and renderings today.

John Scott, Brandon Linder and James Hugglestone with Fawley Bryant Architecture presented renderings of the proposed new Fire Station #3 which featured:

- A more efficient floor plan
- Three apparatus bays with extra storage
- A decontamination zone
- Fitness area
- Kitchen and dining area
- Sleeping quarters and bathrooms
- Separate laundry facilities for cross-contamination

Mr. Callahan announced the station was designed with safety in mind for the firefighters as well as an efficient floor plan to assist them with the quickest response possible. He said more features added are black-out shades in the sleeping quarters and heavier insulated walls to maximize privacy and rest for the firefighters. Mr. Callahan added there will also be space at the station for back-up servers and I.T. equipment.

With the firefighters' health and safety in mind, Mr. Scott announced all entrances to the building from the apparatus bays have vestibules that will act as air locks to minimize contamination to the living quarters.

Discussion: The history of the current Fire Station #3

Councilman Roff inquired as to the total cost for design and build-out for the new Fire Station #3. Mr. Callahan replied the projected cost is \$2,500,000 to \$3,000,000. He said if Council approves the renderings, the next steps would be for the creation of construction drawings and then put the project out for bid.

Councilman Brown requested more information on the cost for build-out of comparable fire stations in the area. Mr. Callahan said he would provide Council with build-out costs for comparable fire stations.

MOTION TO APPROVE DESIGN OF FIRE STATION #3 was made by Councilman Brown and seconded by Councilman Roff. Motion passed 5-0.

Scott Rudacille, Interim City Attorney

Discussion Regarding Pedestrian-Vehicle Interactions

Mr. Rudacille announced he provided Council the draft ordinance that will be presented during the Manatee County Board of County Commissioners Meeting on September 24, 2019. He said the direction from the ordinance would be to prohibit pedestrian to vehicle interactions on arterial, collector and interstate roadways. Also, he continued, the ordinance clarifies the prohibition of standing on medians of designated roadways and what conduct would constitute aggressive panhandling and solicitation activities.

Mr. Rudacille noted the draft ordinance includes traffic safety statistics and if the Council decides to proceed with a similar ordinance, he recommended compiling similar data to reflect safety concerns within the City.

Councilman Brown inquired if Chief Bevan provided input regarding drafting of the ordinance. Chief Bevan announced she met with Mr. Rudacille and Paul Driscoll, Bradenton Police Department, Legal Advisor on September 9, 2019 to provide input and recommended changes to the ordinance. She believes they are moving in the right direction and feels County Representatives are taking their feedback seriously.

Discussion: Interlocal Agreement with the County, City and County jurisdictional boundaries, pedestrian and motorist safety.

Mr. Rudacille concluded that he would keep Council abreast of any updates to the ordinance or if there are any changes as to when the Board of County Commissioners will be discussing the matter.

BUSINESS BY APPOINTMENT – None.

THE CITY COUNCIL MEETING WAS TEMPORARILY RECESSED AT 10:47 A.M. BY MAYOR POSTON AND THE CRA MEETING WAS CALLED TO ORDER.

(Separate Minutes Maintained and Available.)

During the CRA Meeting, a discussion ensued regarding the current status of the sidewalk portion of the Bradenton Streetscape Project. Councilman Brown voiced his concerns regarding inconsistencies in sidewalk pours and potential future issues with the project. It was the general consensus of the Board to finish immediate work on the sidewalk and halt further work until the issues are resolved. Because Streetscape is a City project and not a CRA project, Mr. Callahan suggested making a Motion during the City Council Meeting once reconvened.

THE CRA MEETING ADJOURNED AT 11:38 A.M. AND THE CITY COUNCIL MEETING WAS RECONVENED BY MAYOR POSTON.

MOTION TO FINISH UNFINISHED WORK OF THE SIDEWALK PORTION OF THE BRADENTON STREETScape PROJECT AND STOP FURTHER WORK UNTIL THE PROJECT IS REEVALUATED was made by Councilman Brown and seconded by Vice Mayor Byrd. Motion passed 5-0.

COUNCIL & DEPARTMENT HEAD REPORTS

Councilman Gene Gallo, Ward I: Nothing to report.

Councilman Gene Brown: Councilman Brown sent condolences to the family of Shake Pit owner and longtime resident, Bob Crowe. Councilman Brown discussed how iconic the Shake Pit is in the community and how the Crowe family saved the restaurant from being demolished in 2001. He concluded that Bob Crowe will be missed by many.

Councilman Patrick Roff, Ward III: Councilman Roff was pleased to announce his daughter and her family are visiting from New York. He said his daughter is proud of the changes in Bradenton since her graduation in 2004 from Manatee High School and would love to move back to the area.

Councilman Bill Sanders, Ward IV: Councilman Sanders requested more information on why the City doesn't participate in the Manatee County Clean Energy Alliance or Resiliency Coalition.

Councilman Roff said he would gladly carry out duties and attend meetings if Council desired to join the Resiliency Coalition. Mayor Poston requested Councilman Roff to bring information regarding the Resiliency Coalition back to Council.

Vice Mayor Harold Byrd, Ward V: Nothing to report.

Mayor Poston: Mayor Poston inquired as to whether Council would be interested in having an Affordable Housing Workshop.

Councilman Roff surmised the City is leading the way with providing Affordable Housing for residents.

Catherine Hartley, Planning & Community Development Director announced she participated in the Manatee Chamber's Affordable Obtainable Committee and Mayor Poston requested she distribute white paper to Council regarding Affordable Housing in the City.

Sharon Beauchamp, City Clerk & Treasurer: Ms. Beauchamp announced the 12th Street West entrance to City Hall will be closed on September 13, 2019 due to sidewalk construction and the entrance for the day will be located off Barcarrota Boulevard.

Catherine Hartley, Planning & Community Development Director: Nothing to report.

Chuck Edwards, Fire Chief: Chief Edwards was pleased to announce the 9/11 Memorial Service was well received that morning and thanked everyone who attended.

Paul McWade, Assistant Police Chief: Assistant Chief McWade announced performance measures were completed for the Police Department and the findings compared to last year are crash rates are down and case closure rates are up significantly. In separate incidents, he added, four Officers saved the lives of two citizens by utilizing NARCAN and CPR.

Jim McLellan, Public Works and Utilities Director: Mr. McLellan said he received an email announcing that Sarasota County Board of County Commissioners elected to end their agreement to be part of the Regional Traffic Maintenance Facility. Because the City of Bradenton is a funding partner, he continued, there will be upcoming meetings with the Department of Transportation regarding how to move forward. He added currently, Sarasota County contributes approximately 44% of the cost for running the facility. He said he will forward the email to Council and also keep them in the loop with any future developments.

Carl Callahan, City Administrator/Economic Development Director: Mr. Callahan stated the City wishes to revise last year's calculation of the non-ad valorem assessment collected from the 32 condominium owners at the River Yacht and Racquet Club. After meeting with their representatives, it was determined that the formula defined in existing Resolutions needed clarification. He requested Council approve Resolution 19-60 to revise the formula associated with calculating future assessments, and announced there would be a credit of \$8.25 on each unit's tax bill to make up for last year's misinterpretation.

MOTION TO APPROVE RESOLUTION 19-60 was made by Councilman Brown and seconded by Councilman Gallo. Motion passed 5-0.

Mr. Callahan reiterated all parties involved with the Bradenton Streetscape Project should be involved when discussing past and future responsibilities of the project. He suggested when planning future projects, Council should feel confident the design selected can actually be built.

Scott Rudacille, Interim City Attorney: Nothing to report.

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

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