

**CITY OF BRADENTON**  
**CITY COUNCIL MEETING**  
**April 24, 2013**  
**6:00 P.M**  
**MINUTES**

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida, at 6:00 p.m. on Wednesday, April 24, 2013.

**Present:** Mayor Wayne Poston; Vice Mayor/Councilman Ward 1 Gene Gallo; Councilman Ward III Patrick Roff; Councilman Ward IV Bemis Smith; and Councilman Ward V Harold Byrd, Jr.

**City Officials:** Carl Callahan, City Clerk & Treasurer/Chief of Staff; Michael Radzilowski, Police Chief; Claude Tankersley, Public Works Director; William Lisch, City Attorney; Chuck Edwards, Fire Chief; and Tim Polk, Department of Planning & Community Development Director.

The ecumenical invocation was led by Pastor Jim LaDuke of Loving Hands Ministry.

The Pledge of Allegiance was led by Mayor Poston.

The meeting was called to order by Mayor Poston.

Councilman Ward II Gene Brown was out with an excused absence.

**PROCLAMATIONS:**

**National Arbor Day – April 26, 2013**

**Tim Polk**, Director of Planning and Community Development, thanked the Mayor and Council and introduced the Tree Board members.

**Mr. Ed Flowers, Florida Forest Service**, stated that the City of Bradenton had been a Tree City USA participant for 20 years, which few cities have done. He presented the Tree Board with a 20-year award and his thanks.

**PRESENTATIONS:** None.

*Carl Callahan administered the oath to anyone wishing to speak on any non-agenda items and during the public hearings.*

**CITIZEN COMMENTS:** None.

**CONSENT AGENDA:**

- a) Re-designation of HOPWA funds.
- b) Authorization to sign Memorandum of Understanding with FDOT regarding Traffice Incident Management.
- c) Public Event: Wendy Suarez 5K Run/Walk on May 11 around JP Miller Elementary School.
- d) Public Event: National Salvation Army Week on May 14 at the courthouse.
- e) Public Event: Pickin' Picnic on May 26 at Riverwalk.
- f) Public Event: Snooty's Birthday Bash on July 20 at South Florida Museum. Museum requesting to close parking spaces on 10<sup>th</sup> Street. *(Correction: Full Street Closure. Approved by Council verbally on 4/25/13)*
- g) Public Event: Music in the Park every Friday from Oct. 4 – Nov. 1 at Riverwalk.
- h) Request of Marcus Helmuth, agent for Rinehart Homes, LLC, owner, for an easement vacation at Cottages at San Casciano.
- i) Resolution 13-16: A resolution pursuant to section 2.2.7 City Land Use Regulations, partial vacation of easement on west side of Lot 39 of Cottages at San Casciano, a subdivision in Plat Book 55, page 41, and legally described.

**MOTION TO APPROVE CONSENT AGENDA items A-I was made by Vice Mayor/Councilman Gallo, seconded by Councilman Byrd, and approved 4:0.** (Councilman Brown was excused.)

## BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

### ORDINANCE 2948

### SECOND READING AND PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON FORM-BASED CODE INCLUDING MODIFICATIONS TO PRE-APPLICATION PROCESS, WAIVER/ADJUSTMENT PROCESS AND CRITERIA; DEFINITION OF TERMS; PROVIDING FOR INCLUSION OF HISTORIC, ANTIQUE, AND VILLAGE OF THE ARTS DISTRICTS; PROVIDING FOR CORRECTION OF TYPOGRAPHICAL ERRORS; AND PROVIDING AN EFFECTIVE DATE.

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

**Tim Polk**, Director of Planning and Community Development, welcomed Brady Woods, Zoning Manager, to come forward to display a PowerPoint presentation on the text amendments under consideration.

Vice Mayor/Councilman Gallo requested that the entire Form Based Code be rescinded.

**Brady Woods** outlined the proposed changes to the FBC which included changes to sections of interpretation, elimination of mandatory pre-application meetings, elimination of waivers, updates to Schedule 1, removal of group living and household living from residential categories, addition of marinas, addition of specifics in overlay districts, expanded the definition of the term "adjustment," and established an appeal process and procedures.

The Public Hearing was opened to those in opposition. None came forward. The Public Hearing was closed.

Tim Polk gave the Staff recommendation for approval:

**STAFF RECOMMENDATION:** APPROVAL as submitted.

**PLANNING COMMISSION SPECIAL WORKSHOP: (April 3, 2013)** Reviewed as Information Only. No action taken.

**CITY COUNCIL FIRST READING: (April 10, 2013)** Ordinance 2948 read into record and forwarded to April 24, 2013 City Council hearing for second reading and final determination.

**PLANNING COMMISSION RECOMMENDATION: (April 17, 2013)** APPROVAL as submitted.

Councilman Roff spoke in favor of Form Based Code as a tool that was useful in modern city planning and in attracting development. He also thanked Vice Mayor/Councilman Gallo for his insistence that an appeal process before City Council had been included.

Vice Mayor/Councilman Gallo clarified that he was not opposed to the general concept of Form Based Code, but he did feel it was not applicable to all sections of the large geographical area in which it would be applied. He felt the appeal process would be very helpful in preventing potential misapplication in some specific cases.

**MOTION TO APPROVE ORDINANCE 2948 was made by Councilman Smith, seconded by Councilman Byrd, and approved 4:0.** (Councilman Brown was excused.)

**NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY, AND CITY COUNCIL** – None scheduled.

**BUSINESS BY APPOINTMENT** - None scheduled.

### COUNCIL REPORTS

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

**Councilman Patrick Roff, Ward III:** Said that the bi-annual clean-up of Ware's Creek had been held on Saturday, April 20<sup>th</sup>. He also encouraged all to attend the final meeting of the USF/New College study on the Village of the Arts on Monday, April 29<sup>th</sup>, at the Renaissance on 9<sup>th</sup>, where the findings and recommendations of the study would be presented.

**Councilman Bemis Smith, Ward IV:** Nothing to report.

**Councilman Harold Byrd, Jr., Ward V:** Expressed his hopes that all would have a good time and a safe time at the Hernando DeSoto Historical Society Grand Parade on Saturday, April 27<sup>th</sup>.

**Mayor Wayne Poston:** Mayor Poston read a proclamation for **Katie Powers Day – April 24, 2013.**

Katie, a Bradenton citizen and neighbor of the Mayor's, for the fifth year in a row had been volunteering at the Boston Marathon as a medical assistant when the horrendous bombing disaster took place on April 15<sup>th</sup>. He congratulated her on her bravery and commitment in staying and helping the victims of the bombing.

Katie, wearing the medic jacket from the Boston Marathon, accepted the proclamation with gratitude and humility.

#### **DEPARTMENT HEADS**

**Carl Callahan:** As a follow-up to the Form Based Code discussion, stated that everyone is working together to formulate ways and means to help simplify the code for greater understanding by all users.

**Chief Edwards:** Said that Engine #1 is fired up and ready to once again be in the parade.

**Chief Radzilowski:** Additional police resources have been secured from area municipalities to help patrol the parade and keep it safe.

**Claude Tankersley:** Nothing to report.

**Tim Polk:** Nothing to report.

**Bill Lisch:** Also congratulated his neighbor, Katie Powers.

There being no further business, Mayor Poston adjourned the meeting at 6:34 p.m.

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