

**CITY COUNCIL MEETING
December 14, 2005**

APPROVED BY
January 25, 2006
CITY COUNCIL

The City of Bradenton City Council met in regular session in the City Hall Council Chamber, 101 Old Main Street, Bradenton, Florida on December 14, 2005 at 8:00 a.m.

Present: Councilman Ward I Gene Gallo; Councilwoman Ward II Marianne Barnebey; Councilwoman Ward III Michele Weaver; Vice Mayor and Councilman Ward IV Bemis Smith and Councilman Ward V James T. Golden.

City Officials: Carl Callahan, City Clerk and Treasurer; John Cumming, Public Works Director; William Lisch, City Attorney; Mark Souders, Fire Chief; Michael Radzilowski, Police Chief; Tim Polk, Development Services Director; Staci Cross, Information Technology Director, and Carolyn Moore, Human Resources Director.

Press: Bradenton Herald and Manatee Herald Tribune

The meeting was called to order by Vice Mayor Smith.
Ecumenical invocation was led by Councilman Golden.
Flag salute was led by Councilwoman Weaver.

Mayor Wayne Poston was excused from the meeting.

Saint Stephens's Episcopal School first graders sang Christmas carols.

PROCLAMATIONS

"YOU DRINK & DRIVE. YOU LOSE. WEEKS" DECEMBER 10, 2005 - JANUARY 1, 2006

PRESENTATIONS

PUBLIC WORKS RECOGNITIONS

Employee of the Month:	Dalton Edwards, Roads & Street Department
Supervisor of the Quarter:	Doug Dobbs, Water Distribution
Team of the Quarter:	Jim Martin, Lift Stations
	Jim Snyder, Electrical Department
	Don Brunner, Electrical Department
	Elijah McCullers, Sewer Collection Department
	Calvin Armstrong, Roads & Street Department
	Brian Clark, Lift Stations
	Jesus Reyes, Lift Stations

BRADENTON POLICE DEPARTMENT AWARDS

Chief Radzilowski presented an award to Councilwoman Weaver in appreciation for her years of service and cooperative relationship with the Bradenton Police Department.

BRADENTON FIRE DEPARTMENT - COUNCILMAN GENE GALLO

Chief Souders presented an award to Councilman Gallo to commemorate his career with the Bradenton Fire Department.

EVALUATION APPRAISAL REPORT “EAR”

Matt McLachlan, Assistant Director of the Department of Development Services gave a brief overview of the credentials of Glatting Jackson, HMTB, and Wade Trim, the consulting team for the Evaluation Appraisal Report.

Mr. McLachlan stated that the purpose of the EAR was to determine what changes were needed in the plan to reflect the community’s vision for the future, what issues need to be addressed to meet the expectations of its citizenry and what anticipated amendments/tools for evaluation could be used to address the issues raised by the community.

Francis Marino, Glatting Jackson, gave a brief overview of the “EAR” report. Based upon input from the community, the following were the top eight major issues ranked by importance:

1. Annexations
2. Neighborhood Revitalization
3. Compatibility
4. Affordable Housing/Workforce Housing
5. Transportation System Management
6. Transportation Connections and Enhancements
7. Redevelopment Corridors/Areas
8. Downtown Repositioning

General discussions: Today’s action was an early preliminary transmittal prior to sending to the Department of Community Affairs (DCA) with adoption in March, 2006.

MOTION TO APPROVE the Evaluation Appraisal Report as presented to be forwarded to the Department of Community Affairs was made by Councilman Golden/Councilwoman Barnebey and carried 4-0. Councilman Gallo was absent from voting.

Mr. Callahan administered the Oath to any individuals who wished to speak during the public hearings.

CITIZEN COMMENTS

Andrew East, Village of the Arts voiced his concern for chicken running wild in the neighborhood and asked if something could be done about it. He asked if the city could amend the ordinance to list poultry as livestock, as the code currently stated chickens were not classified as livestock.

General discussion: That the chickens were a nuisance and needed to be trapped and removed.

COUNCIL REPORTS

Councilman Gene Gallo, Ward I: Expressed well wishes to Councilwoman Weaver in all her future endeavors.

Councilwoman Marianne Barnebey, Ward II: Reported that the 10th Annual Winter Wonderland was again a great success and presented awards to Joe Henry of the Parks Department and Fire Marshal Ken Langston for their faithful and invaluable assistance throughout the ten-year history of the Wonderland festivals.

Councilwoman Weaver, Ward III: Thanked everyone for their support and assistance during her eight-year term and stated that it had been an honor and a privilege to have served the great City of Bradenton.

Councilwoman Weaver introduced **Patrick Roff** seated in the audience, as Ward III's new Councilman- elect.

Councilman Golden presented the book "The Art of Happiness at Work" to Councilman-elect Roff.

Vice Mayor Bemis Smith, Ward IV: Thanked Councilwoman Weaver for her level-headed approach and leadership toward city matters while she served on the City Council.

Councilman James Golden, Ward V: Introduced Tim Polk as the new Department of Development Services Director and the first African-American to hold a Department Head title.

Councilman Golden stated that there would be a reception at the Bradenton Village Townhall on December 19th to welcome Mr. Polk.

Councilman Golden stated that he and Mr. Polk would be attending a retirement party at 1:00 p.m. today honoring William DeSue, Bradenton Housing Executive Director.

Mayor Wayne Poston: Excused absence.

CONSENT AGENDA

- APPROVAL OF MINUTES FOR NOVEMBER 16, 2005 AND FOR NOVEMBER 30, 2005
- CENTRAL COMMUNITY REDEVELOPMENT AGENCY PROPERTY ACQUISITIONS

MOTION TO APPROVE the minutes for November 16, 2005 and November 30, 2005, and the Central Community Redevelopment Agency Property Acquisitions was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

RESOLUTION 05-75

PUBLIC HEARING

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT AMONG THE CITY OF BRADENTON, FLORIDA, THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AND THE ST. PETERSBURG HEALTH FACILITIES AUTHORITY PURSUANT TO WHICH THE ST. ORANGE COUNTY HEALTH FACILITIES AUTHORITY IS BENEFIT OF PRESBYTERIAN RETIREMENT COMMUNITIES, INC. AND CORPORATIONS AFFILIATED WITH IT; GRANTING HOST COMMUNITY APPROVAL PURSUANT TO THE INTERNAL REVENUE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened; those in favor come forward, hearing none.

Those in opposition come forward; hearing none, the public hearing was closed.

Bill Lisch gave a brief overview of the resolution and stated that there were no financial obligations to the city and that all documents had been reviewed and were in order.

Carl Callahan stated that the city had not initiated this resolution and, therefore, there would be no negative impact upon any future bonding the city may want to pursue.

MOTION TO APPROVE Resolution 05-75 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

BUSINESS/ADVERTISING, PETITIONS, HEARINGS AND COMMUNICATIONS

AX 05.0007 WARD 4 NEIGHBORHOOD

Request of Marcus Helmuth, White Oak Development, Inc, agent for Johnny Rice, Steven Rice & Tonya Rice, owners, for an annexation of 20.38 acres located at 5050 1st Avenue East. (Zoned County A1)

PROPOSED ORDINANCE NO 2781

SECOND READING AND PUBLIC HEARING

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT APPROXIMATELY 5050 1st AVENUE EAST AND LEGALLY DESCRIBED.

The public hearing was opened; those in favor come forward, hearing none.

Stephen Thompson, attorney representing the applicant, gave a brief overview of the request and stated that only city utility services were located close to this property and no county utility services.

Mr. Thompson stated that the request was consistent with the city's comprehensive plan and contiguous with the city and would not create an enclave.

He stated he agreed with the Department of Development Services staff recommendation and stipulations.

Mr. Thompson stated that after his meeting with a Manatee County attorney, he did not anticipate the county would oppose this annexation, since the city had previously agreed to the de-annexation of property, (Ordinance 2801).

Those in opposition come forward; hearing none, the public hearing was closed.

Ruth Seewer, Development Review Manager, gave a brief overview of the Department of Development Services staff report and stated that the staff recommended approval based upon the Findings of Fact and Analysis of the proposed annexation providing that:

1. The City services would be made available to the subject property.
2. No apparent inconsistency existed with the City's Comprehensive Plan.
3. No apparent enclave would be created.

Ms. Seewer stated the Department of Development Services staff recommended the following two stipulations:

1. The future development of the subject properties would be subject to the requirements of the ACCORD, including but not limited to, impact fee equivalency as defined in the ACCORD, Section 4.B (5), or the latest, mutually approved definition between Manatee County and the City of Bradenton.

2. The future development of the subject property may require certain land use studies and analyses as part of any preliminary or final development approvals as determined by the Department of Development Services Director.

Questions and answers were given regarding the 100-year flood zone.

Ms. Seewer stated that the Comprehensive Plan required that a PDP would have to be done.

MOTION TO APPROVE Ordinance 2781, AX05.0007 was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

LU.05.0018 RS

Request by the City of Bradenton for text amendments to the Land Use Regulations (LUR's) regarding Alcoholic Beverages within a Residential PDP.

SECOND READING OF PROPOSED ORDINANCE 2798

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF BRADENTON LAND USE AND DEVELOPMENT REGULATIONS TO ADD NEW LANGUAGE REGARDING APPLICATION FOR ALCOHOLIC BEVERAGE SALES WITHIN A RESIDENTIAL PDP AND THEIR REGULATION; PROVIDING FOR REPEAL OF PROVISIONS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened; those in favor come forward, hearing none.

Those in opposition come forward; hearing none, the public hearing was closed.

Ruth Seewer, Development Review Manager gave a brief overview of the Department of Development Services staff report and stated that Freedom Village had asked to amend the Land Use Regulations so that they could serve alcoholic beverages.

Ms. Seewer cited Section 303.A.1 which would include "except when authorized by stipulation as part of a Planned Development Project Approval." She stated the PDP would come before Council later in the year to address the Freedom Village request.

MOTION TO APPROVE LU.05.0008, Ordinance 2798 was made by Councilman Gallo/Councilwoman Weaver and carried 4-0 for approval. Councilman Golden in opposition.

LU-05-0012 WARD 4 NEIGHBORHOOD 20.03 MM

Request by the Cedarwood Development, agent for Southern Hospitality Associates, LLC., owners, to change the Zoning Atlas Designation from County A-1 to City PDP for the property located at 5055 3rd Avenue East.

SECOND READING OF PROPOSED ORDINANCE 2805

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 5055 3RD AVENUE EAST AND LEGALLY DESCRIBED.

The public hearing was opened; those in favor come forward.

Stephen Thompson, attorney representing the applicant, gave a brief summary of the request stating that this parcel would be combined with the Aurora property.

Those in opposition come forward; hearing none, the public hearing was closed.

Ruth Seewer, Development Review Manager gave a brief overview of the Department of Development Services staff report and stated that the staff and Planning Commission recommended approval of the request.

MOTION TO APPROVE LU.05.00012 Ordinance 2805 was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

LUR-AA-04-03 WARD 1 RS

Request of Matt Campo, agent for Burcaw & Associates to change the Zoning Atlas Designation from County General Commercial to City Commercial-2 for the property located at 7208 Manatee Avenue West.

SECOND READING OF PROPOSED ORDINANCE 2807

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A ZONING ATLAS AMENDMENT TO CHANGE THE ZONING DESIGNATION FROM COUNTY GENERAL COMMERCIAL TO CITY COMMERCIAL-2 FOR THE PROPERTY LOCATED AT 7208 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

The public hearing was opened; those in favor come forward, hearing none.

Those in opposition come forward; hearing none, the public hearing was closed.

Ruth Seewer, Development Review Manager gave a brief overview of the Department of Development Services staff report and stated that the staff and Planning Commission recommended approval based on the Findings of Fact and Analysis of the proposed Comprehensive Plan Map Amendment and Atlas Amendment and that the Future Land Use Designation would be commercial.

No discussion followed.

MOTION TO APPROVE LUR-AA-04-03, Ordinance 2807 was made by Councilman Gallo/Councilwoman Barnebey and carried 4-0 for approval. Councilwoman Weaver was absent from voting.

LU-05-0007 WARD 4 NEIGHBORHOOD 20.03 MM

Request of White Oak Development Inc., owner/agent, to change the Zoning Atlas Designation from County A-1 to City PDP for the property located at 101 48th Street Court Northeast.

SECOND READING OF PROPOSED ORDINANCE 2809

PUBLIC HEARING

AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY A-1 TO CITY PDP OR OTHER APPROPRIATE ZONE FOR THE PROPERTY LOCATED AT 101 48TH STREET COURT NE AND LEGALLY DESCRIBED.

The public hearing was opened; those in favor come forward, hearing none.

Stephen Thompson, attorney representing the applicant, gave a brief summary of the request and stated that the PDP would come back to the Council at a future date for consideration.

Those in opposition come forward; hearing none, the public hearing was closed.

Ruth Seewer, Development Review Manager, gave a brief overview of the Department of Development Services staff report and stated that the staff and Planning Commission recommended approval based on the Findings of Fact and that the request was consistent with the City's Comprehensive Plan.

MOTION TO APPROVE LU-05-0007, Ordinance 2809 was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

The following three requests were read together for discussion:

CP.05.0011 WARD 1 NEIGHBORHOOD 12.04A ZONED PDW-CH RS

Request of Clifford L. Walters, Esq., agent for Paradise Pointe, LLC., owners, for a Small Scale Comprehensive Plan Amendment changing the Future Land Use Designation from Res-3 to Commercial for the property located at 12320 Manatee Avenue W.

SECOND READING OF PROPOSED ORDINANCE 2811

PUBLIC HEARING

AN ORDINANCE OF THE CITY OF BRADENTON, FLORIDA, PERTAINING TO PROPERTY LOCATED AT 12320 MANATEE AVENUE WEST, BRADENTON, FLORIDA, MAKING CERTAIN FINDINGS OF

FACT; PROVIDING FOR AMENDMENT TO THE CITY OF BRADENTON COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT/FUTURE LAND USE MAP (SMALL SCALE DEVELOPMENT ACTIVITY AMENDMENT CP.05.0011) CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL-3 TO COMMERCIAL; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

LU.05.0019 WARD 1 NEIGHBORHOOD 12.04A ZONED PDW-CH RS

Request of Clifford L. Walters, Esq., agent for Paradise Pointe, LLC., owners, to change the Zoning Atlas Designation from County PDW-CH to City PDP for the property located at 12320 Manatee Avenue W.

SECOND READING OF PROPOSED ORDINANCES 2812 **PUBLIC HEARING**
AN ORDINANCE AMENDING ORDINANCE NO. 2627, CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA BY A LAND USE ATLAS AMENDMENT TO CHANGE THE DESIGNATION FROM COUNTY PDW-CH TO CITY PDP FOR THE PROPERTY LOCATED AT 12320 MANATEE AVENUE WEST AND LEGALLY DESCRIBED.

PR.05.0019 WARD 1 NEIGHBORHOOD 12.04A RS **PUBLIC HEARING**

Request of Clifford L. Walters, Esq., agent for Paradise Pointe, LLC, owner, for a commercial Preliminary Planned Development Project located at 12300 and 12320 Manatee Avenue West. (Zoned PDW-CH).

Bill Lisch referred to a letter dated December 13, 2005 from Attorney Steven Chase, Abel Band Law Firm which stated that the public notice requirements enumerated in Chapter 203 of the City of Bradenton Code of Ordinance Book and F.S. Chapter 163 had not been met with respect to both the Planning Commission proceedings and for this City Council meeting.

Mr. Lisch stated the letter further requested that this PDP request return to the Planning Commission for reconsideration and that proper notice be given to provide a full and complete opportunity for all interested parties to be heard. The letter also requested that this matter be considered prior to opening the public hearing today.

Mr. Lisch advised the Council to open the public hearing and to give the applicant the opportunity to be heard first on this matter.

The public hearing was opened; those in favor come forward.

Ellen Avery Smith, attorney for the applicant Paradise Pointe, LLC, referred to the property commonly known as the Leverock Restaurant and the Perico Harbor Marina.

She stated that the Comprehensive Plan CP.05.0011 and the Rezoning LU.05.0019 was to be heard only on the Leverock property and that the PDP application PR.05.0019 was on both the Leverock and Perico Harbor Marina property. She stated that the two properties would be downsized and redeveloped under the existing commercial use.

She stated that the 240 dry boat slips would be torn down and replaced with 126 wet slips. Plans were to remove the existing bait and tackle shop replacing them with retail shops and an office center. The Leverock restaurant would also be torn down and replaced with a new restaurant and enhanced with landscaping and upgraded storm water drainage.

Bill Gardner, representative for Paradise Point, LLC, gave a brief overview of the two parcels and displayed renderings of the existing site and the proposed future site plan.

Ellen Avery Smith stated that the applicant was agreeable with the Department of Development Services staff report and stipulations.

Byron Shinn, Whiting Preston, Billy Rice and Ron Allen voiced their approval of the request stating that the marina was in much need of improvement and the area needed to have a good

state-of-the-art facility for boaters and fishing enthusiasts. They stated that this was the western gateway into the city, and the proposed improvements would be an asset to the city.

Pat Neal, 1003 59th Street Northwest requested that the Council postpone this issue for two weeks on the grounds that proper notice had not been given for this public hearing.

Mr. Neal gave a brief history of the previous development that he had started with another developer Frank Buskirk, who finished the project along with the Perico Bay Club development. He stated that this proposed project would be better under this new plan. As the owner of Perico Bay Club, his company had acquired pieces of property around the Perico Bay Club including a strip of land north of this issue property and west of the Hayden Lane property owned by the Preston family. He stated this property comprised two-thirds of the waterfront Hayden Lane property on the west side against Sarasota Bay. He stated that he also owned an easement between the Paradise Point property and the previously approved Hayden Lane project.

Mr. Neal stated that he had been a partner in the Arvida project back when the Arvida project was approved by Council and that he had agreed that the approved development was a beautiful project for the area.

Mr. Neal stated that there were private issues between the previous Arvida partners and himself. He again requested that the Council defer consideration of this request by Paradise Point, LLC. in order for him to meet with the Arvida executives so that he could obtain an appropriate access to his remaining property or to defend the access which they intended to extinguish with the plan to be brought forth at this meeting.

Mr. Neal stated that, as the neighbor of this project, he was never noticed properly of this application. He stated that this neglect of notice action was no accident and was the third independent incident done by Arvida toward him in the past few years. He stated he needed time to determine whether this plan extinguished the easement along the west side of the property that he maintained for his 2600 feet of water frontage and whether there was any utility access for his property.

Mr. Neal stated he would respect any decision that the Council would make today and that his dispute was with * Arvida-St. Joe and not Paradise Point, LLC.

Mr. Neal stated that he was currently the principle owner of the properties as beneficiary of the Deitrich Trust and of Manatee Management Unlimited.

Ruth Seewer, Development Review Manager, stated that the Comprehensive Plan Amendment and the zoning request was for the Leverock parcel only and that this parcel exceeded 300 feet from Mr. Neal's property and did not pertain to the Future Land Use issue and notice was not required for Mr. Neal's property. She stated that Department of Development Services staff should have provided notice on the PDP but that the application instead was sent to the property appraiser's office for the Comprehensive Plan amendment and his property was not within 300 feet.

Ms. Seewer stated that Mr. Neal was correct that he did not receive proper notice on the PDP, but that he was incorrect in stating that the lack of notice was done on purpose as it was inadvertently an oversight.

Councilman Gallo asked how this project denied access to his property.

Mr. Neal stated that the Paradise Point project denied access to his property. He stated his current access, a 24-foot driveway which he built in 1991, was 50 feet west of the existing building and located on the easement. He stated the Paradise Point developers proposed to remove the driveway from the easement and provide him access through a parking lot instead.

* Merged and now known as The St. Joe Company.

He questioned how he could sell three-million dollar waterfront homes with access through a parking lot and two gas pumps.

Councilman Gallo stated that, in his opinion, the problem existed on property east of the property proposed for discussion today.

Mr. Neal stated that the property proposed for discussion today involved access granted by a Florida Department of Transportation (FDOT) permit which could affect his accessibility.

Councilman Gallo voiced his concern that time was money in construction and that the developer should not have to wait to see if this proposed development did or did not hinder access to his property.

Mr. Neal responded that he respected Councilman Gallo's concern and realized that the city had valid interest in approving the project.

Mr. Lisch cautioned the Council to not get into arbitration of property rights disputes between property owners. He stated that the Council had the authority to send this request back to the Planning Commission. He stated should the Council approve this request and the approved project impaired Mr. Neal's easement rights then Paradise Point, LLC. couldn't do what they wanted to do as long as Mr. Neal had rights, he could stop the project and site plan on a private matter. Mr. Neal could also sue the city regarding improper notice but that the city had a fair chance of success.

Ruth Seewer stated that the Department of Development Services did neglect notifying Mr. Neal's trustee on the PDP. She quoted the Land Use Regulation 203.A.1.b.1.b: "The unintentional failure of the Department of Development Services Director to notify contiguous property owners, as set forth above, shall not be grounds for a continuance of the hearing, nor in any way affect the action taken at such hearing."

Ms. Seewer stated had Mr. Neal received the notification, it would have been ten days prior to the Planning Commission meeting and that he had known about this project since November 28th or 30th as Mr. Neal came into the office and requested copies of documents on this project.

Ms. Seewer stated that the property was posted with notice and advertised in the newspaper.

Steve Chase, attorney representing Pat Neal, stated that proper notice was not done prior to both the Planning Commission meeting and this hearing today. He stated the city code indicated "written notice" not "posted notice" be made.

Mr. Chase stated that Land Use Regulation 203.A.1.b.1.b, which he referred to as a "savings clause," was unconstitutional. He stated that it was irrelevant whether it was intentional or unintentional that his client had not been properly noticed. He stated that from a state law case providing notice was a fundamental right of due process for the purpose of being heard. He stated that since his client was not heard, he had been denied due process.

Mr. Chase stated the application proposal approved by the Planning Commission relocated a 24 foot road way off the easement which could not be done. He stated that a gas station also interfered with the Mr. Neil's easement and easement rights.

Mr. Chase requested that since there had been a lack of proper notice to Mr. Neal regarding the Planning Commission meeting, that the Council refer this issue back to the Planning Commission to allow Mr. Neal participate in that process and give input regarding the relocation of the roadway within the easement and the access onto the easement.

Discussion: That the Florida Department of Transportation (FDOT) had requested limited access of driveways as there were currently four driveways off of State Road 64.

Ellen Avery Smith stated that CP.05.0011 and LU.05.0019 were not subject to notice and requested to move forward with these two requests.

Mrs. Avery proposed a stipulation for the PDP to state that her client, Paradise Point, LLC shall comply with the property owner to the north.

She stated this easement was in writing and the language in the easement was subject to interruptive issue between the private parties.

Mr. Neal stated that the stipulation offered nothing that hadn't already been tried and stated that his easement was protected by the Florida law.

Mr. Chase stated that should the Council postpone this issue his client would waive his objections of improper notice regarding the Planning Commission meeting.

Dale Weidemiller, President of Neal Communities, Inc. voiced his concern regarding the access into their property and requested to offer the survey showing a 50-foot access easement.

Vice Mayor Smith stated that the Council had no authority over this easement.

Mr. Weidemiller displayed and addressed the specifics of the survey.

Ellen Avery Smith proposed a stipulation to state that her client, Paradise Point, LLC, would remove the service station gas pumps and allow access off the road exactly where it was.

Mr. Neal voiced his concern regarding the access of utilities, water, sewer and drainage and stated that he was not satisfied with the proposed stipulation. He stated that he could not have million dollar homes with access through boats and gas pumps.

Those in opposition, hearing none the public hearing was closed.

Ruth Seewer gave the Department of Development Services staff report and stated the staff and Planning Commission recommended approval of CP.05.0011 and LU.05.0019.

MOTION TO APPROVE CP.05.0011, Ordinance 2811 as recommended by the Department of Development Services staff and Planning Commission was made by Councilman Gallo/Councilman Golden and carried 4-1 for approval with Councilwoman Barnebey in opposition.

MOTION TO APPROVE LU.05.0019, Ordinance 2812 as recommended by the Department of Development Services staff and Planning Commission was made by Councilman Gallo/Councilman Golden and carried 4-1 for approval with Councilwoman Barnebey in opposition.

Ruth Seewer gave the Department of Development Services staff report and stated the staff and Planning Commission recommended approval of PR.05.0019 with the Findings of Fact and Analysis for the following reasons:

1. The City services were available to the subject property.
2. The proposed PDP removed dilapidated and intrusive structures on-site and the site plan was completed in a thoughtful and well-designed manner.
3. The proposed PDP provided for non-residential uses, which was appropriate for the subject site.

The following six stipulations were recommended by the Department of Development Services staff with one additional stipulation made by the Planning Commission as indicated with underlined additions to stipulations 1, 4, and 5.

1. Exotic species such as Australian Pines and Brazilian Pepper Trees would be removed from the site as required by SWFWMD, and regularly maintained.
2. All existing mangrove areas along the southernmost shoreline would remain undisturbed and be preserved in perpetuity.
3. Parking spaces may be relocated subject to dumpster pickup area verification.
4. A landscape easement consistent with this PDP approval shall be entered into with the adjoining eastern property owner prior to the first Certificate of Occupancy (CO). Applicant shall maintain the landscape easement.
5. The applicant and the eastern adjoining property owner shall enter into an access easement agreement, which allowed pedestrian, vehicular and fire access to the commercial site.
6. The applicant and the City shall investigate the Clean Marine Initiative Program.
7. All landscaping would be installed equal to or greater than was indicated on the landscape plans entered into the record.

Two proposed stipulations made during today's discussion were as followed:

8. That with the PDP, the developer, Paradise Point, LLC, shall comply with Mr. Neal's easement with the property owner to the north.
9. That Paradise Point, LLC, would remove the service station gas pumps and allow access to the road exactly where it was currently located.

MOTION TO TABLE PR.05.0019 until January 11, 2005 was made by Councilman Golden/Councilwoman Barnebey and failed 3-2 with Councilman Gallo, Councilwoman Barnebey and Vice Mayor Smith in opposition.

Councilman Gallo stated that the concerns of Mr. Neal had been addressed and, therefore he would support approval of PR.05.0019.

Vice Mayor Smith stated that there were no objections to the project, only positive comments on the quality of the project and that the Council was not an arbitrator or judge to address private party issues and stated he would support approval of PR.05.0019.

Councilman Golden voiced his concern that the notice issue had not been resolved and, therefore he could not support the motion.

Councilman Gallo stated that Senator Neal had worked cooperatively with the city on several other projects and believed that Senator Neal would work out these issues with Arvida.

Mr. Lisch stated that should Mr. Neal file a lawsuit against the city, it would delay any action made by the Council until the lawsuit was resolved and that the city would ultimately prevail.

Mr. Lisch recommended that Council delay this issue for the purpose of the notice and as stated by Mr. Neal he would waive any lawsuit over the notice issue if this issue be postponed. He stated Mr. Neal could not sue the City over the easement issue.

MOTION TO APPROVE PR.05.0019 as recommended by the Department of Development Services staff and Planning Commission with seven stipulations and two additional stipulations was made by Councilman Gallo/Councilwoman Weaver and carried 3-2 for approval with Councilwoman Barnebey and Councilman Golden in opposition.

Recessed for lunch at 12:30 PM

Reconvened at 1:40 PM

Councilman Golden and DDS Director Tim Polk were absent as they were attending the retirement party for William DeSue.

Request of Thomas P. Jones, owner, and Jim Stewart, agent, for vehicle storage at 705 17th Avenue W. (Zoned C3)

The public hearing was opened; those in favor to come forward.

Jim Stewart requested approval to store previously abandoned or police-impounded vehicles.

Those in opposition come forward; hearing none, the public hearing was closed.

Ruth Seewer stated that the Department of Development Services staff recommended approval of the request with three stipulations. They were as followed:

1. Two trees, a minimum of 2" Diameter of Breast Height (DBH) and a continuous hedge. 24" high, 24" On-Center (OC), would be installed along the south property line.
2. Vines, a minimum of 10' OC would be installed on the east side along the fence.
3. Opaque slats would be installed along the chain link fence.

MOTION TO APPROVE SU.05.0016 as recommended by the Department of Development Services staff with three stipulations was made by Councilman Gallo/Councilwoman Weaver and carried 4-0 for approval. Councilman Golden absent from voting.

Request of WilsonMiller, Inc., agent for Old City Hall Associates, owner, for Planned Development Project approval for proposed 106 condominiums and 80,000 square feet of office/retail space located at 500 15th Street W/701 9th Street W. (Zoned C-1)

The public hearing was opened; those in favor to come forward.

Cliff Walters, attorney representing Old City Hall Associates, gave a brief overview of the development known as Old City Hall on 15th Street. He stated this development was the cornerstone entry that anchored the revitalization of 14th Street.

Ron Allen, NDC Construction, displayed renderings and discussed the mixed-use project consisting of commercial, retail office, and residential units in one structure. He explained the building would consist of a commercial banking facility, and 10,000 square feet for retail stores. He stated the building would have four floors with parking in the back. The fifth floor would consist of amenities for the residential towers which would include a swimming pool, Jacuzzi, walk-ways, and extreme landscaping with large palm trees on the top.

Mr. Allen described two fifteen-story residential towers with floors six through fifteen housing 106 condominium units with parking below. He stated included in the development would be provisions for a park area along Wares Creek with a public art display area, paver block walkways, benches, and extensive landscaping in the park.

John Moody, Moody and Associates described the public open space including the park at street level and the residential private recreational area on the fifth floor. Councilman Golden and Tim Polk entered the chamber.

Cliff Walters stated that at the recent Planning Commission meeting, a lengthy discussion had taken place regarding six angled parking spaces. He stated that everyone agreed to all seven stipulations recommended by the Department of Development Services staff.

Judy Karkhoff, Wares Creek resident, voiced her approval of the project and stated that it was a beautiful development which would be an asset and enhancement to the downtown core.

Roberta Goss, Wares Creek resident, voiced her approval of the project as it would increase public safety in this area as the property was currently vacant with many vagrants loitering.

Those in opposition come forward.

Jim Windham, Wares Creek resident, voiced his concern that the project was too large for the area and that the increased traffic would create even more of a backup on the corner of Manatee Avenue and 15th Street resulting in a negative impact upon his neighborhood on 7th Avenue. He asked if this area was in a flood plain and would further complicated hurricane evacuation routes. He stated that, in his opinion, the project was inconsistent with the immediate area.

Schuyler Counihan, Wares Creek resident, voiced her concern about the increased traffic the project would create and the negative affects it would cause at the intersection of 15th Street and Manatee Avenue. She voiced her concern that the traffic would cause local residential streets into traffic thoroughfares.

Kenneth Williamson, 2404 64th Street Court West, property block owner accommodating Theresa's Restaurant, a print shop, and two parking lots, stated he was in favor of the development but voiced his concern about the proposed traffic flow pattern at the 15th Street and 6th Avenue island which would negatively impact access to his parking lot on 15th Street.

Robert Burns, commercial merchant on 6th Avenue, displayed a PowerPoint presentation depicting the already cramped traffic conditions and the impact the increased traffic would have on the area. He stated he was not against the project but that the proposed site plan did not show the street parking spaces on 6th Avenue. He voiced his concern for their future existence.

Rebuttal.

Cliff Walters stated that should there be a flood; the whole downtown area would be under water. He addressed the traffic flow concerns and outlined the plan for traffic pattern changes with an island and stop sign on 15th Street and 6th Avenue.

Mr. Walters stated that the mixed-use development would minimize traffic as the plans indicated pedestrian friendly walkways. He referred to the traffic study done and stated that this plan would help solve some of the problems that now existed on 15th Street and 6th Avenue.

Ron Allen explained that the traffic light pattern on Manatee Avenue was programmed to help eliminate traffic from backing up around 15th Street onto 6th Avenue. He stated that the project would include an entrance turn lane off 15th Street and out onto 6th Avenue which would allow traffic to stop then continue into the traffic flow. Mr. Allen stated that this plan had been studied and was considered the best plan to improve the traffic flow pattern.

Richard Stiles, Grimail Crawford Inc., consultant for the applicant, gave a brief summary on the traffic analysis report. He answered questions regarding trip generation for peak hours on the surrounding external roadway system and the traffic pattern that would be generated by this project.

General discussion: The traffic study and the existing problems on 15th Street and 6th Avenue.

Bob Frey, traffic engineer of HNTB Corporation, stated that he had reviewed the traffic study submitted by Grimail Crawford, Inc. and referred to a letter from him dated December 13, 2005 to Ruth Seewer which recommended the traffic analysis and indicated that there were levels of service deficiencies in the study area.

Ruth Seewer stated that a mixed-use project was what the city desired for a downtown project as it would cut down on traffic. She stated that the traffic congestion existed now and that this project would not cause more traffic.

Chief Souders stated that if all the one-way roads in the downtown area were changed back to two-ways it would significantly decrease traffic accidents.

The public hearing was closed.

Ruth Seewer gave the Department of Development Services staff report and stated the staff recommended approval with seven stipulations and the Planning Commission recommendation to eliminate stipulation #4. Ms. Seewer stated that the project was in a good location and consistent with the Comprehensive Plan.

She stated the Department of Development Services staff revised (underlined) the following seven stipulations based on the traffic study results:

1. As required as a condition of the sale of the property, the ownership of the proposed park along Ware's Creek would be reverted to the City for continuous maintenance subject to the PDP.
2. Future development of Parcel B would be commercial or professional in nature and would require a Major Amendment to the PDP.
3. Prior to the issuance of any Certificate of Occupancy, Parcel B would be cleared of all building materials and debris. Sod would be installed and maintained until such time as a development was approved and construction commences.
4. The six angled parking spaces along 6th Avenue West would be replaced with five parallel parking spaces. The developer may in the future assist Desoto Towers in re-stripping their existing lot to provide those spaces on site, at which time the parallel parking spaces would be removed.
5. Drainage specification would meet the approval of Public Works.
6. Improvements would be completed as required by HNTB Corporation regarding traffic concurrency prior to the issuance of any Certificate of Occupancy.

Recommendations regarding traffic concurrency as outlined by HNTB Corporation, would be implemented as followed:

- a. The applicant would provide \$50,381.16 as their total proportionate share for multi modal improvements as outlined in the letter to the Development Review Manager dated December 13, 2005.
 - b. The site access on 15th Street and 6th Avenue east bound would be improved by the applicant.
7. All signage would conform to Section 550 of the Land Use Regulations.

Councilwoman Weaver stated she was excited about this project as it was in the right place.

MOTION TO APPROVE PR.05.0018 as recommended by the Department of Development Services staff and the Planning Commission with seven (7) revised stipulations was made by Councilwoman Weaver/Councilman Golden and carried 5-0 for approval.

SU.05.0017 WARD 5 NEIGHBORHOOD 1.03/1.04 MM PUBLIC HEARING

Request of Community Coalition on Homelessness Corp. and Our Daily Bread, agents, for Harry Bakker, owner, for social services, health clinic and food service located at 701 17th Avenue West. (Zoned C3)

The public hearing was opened; those in favor to come forward.

Patricia Petruff, attorney representing the applicant, stated that this was a special use permit for a One Stop Resource Center (OSRC) to provide services to the homeless population.

She stated that she had letters from various services for the homeless in support of the center.

Erica Verona, WilsonMiller gave a brief overview of the project site of the existing building known as the Mather's Furniture listing the landscaping, reconstruction of the interior and exterior of the building, security lighting and additional parking spaces.

General discussion: Security needed; safety concerns calling for redesign of the sidewalk along 18th Avenue; feeding hours between 10:00 a.m. to 11:30 a.m.; and impact of pedestrian traffic on 17th Avenue during baseball season.

Ms. Petruff addressed the concerns regarding the sidewalks needed on 17th Avenue and stated that she did not know if there were sufficient right-of-way for sidewalks as this issue had not yet been addressed. She stated that there were no additional funds in their budget to install sidewalks.

Mary Marsh “Max” Lasseter, architect, gave a brief summary of the facility layout and the updating of the interior building design.

Questions were asked and answers given regarding the redesign of the building and using the building for a hurricane shelter.

Councilwoman Weaver stated that there were no commitments for financial support in the letters of support submitted.

Ms. Petruff stated that the providers were listed on the front page of the Department of Development Services staff report.

Adele Erozer, Executive Director of the Manatee Coalition for the Homeless, stated that the One Stop Resource Center needed to be established prior to receiving commitments from organizations and businesses.

Ashley Canesse, Development Director of the Salvation Army, stated that they maintain 102 beds for men and 40 for women and children and are filled to capacity every night.

She stated that due to the shrinking of affordable housing, with prices for housing increasing the lines at the Salvation Army are increasing every day.

General discussion: Concerns about foot traffic between the Salvation Army on 14th Street to the One Stop Resource Center off of 9th Street on 17th Avenue.

Ms. Canesse stated that they were working on finding some effective ways to transport people from one facility to the other. She stated that the Community Coalition and Our Daily Bread would be in charge of the center.

Mary Ruiz, President of Manatee Glens, stated there was substantial commitment of support waiting for this special permit request approval.

Ms. Ruiz stated that this facility would be opened to the community for meetings.

Tara Feather, United Way; **Mona Upp**, Community of the Coalition of Homelessness; **Richard Martin**, Suncoast Partnership to End Homelessness; and **Marcia Freespirit**, Director of Social Services Manatee County Rural Health Services, voiced their support of the center.

Those in opposition come forward.

Raymond Felske, Rayco Electric, 603 18th Avenue West located directly behind the proposed center, voiced his opposition with concerns of vandalism, theft, and safety for his 94 employees and 56 vehicles. He stated there was a need to help the homeless, was concerned about a potential increase in crime, drugs, and loitering which would result in decrease property values.

Brian Lewis, Gulf Auto Clinic, 807 18th Avenue West, stated that the homeless issue needs to be addressed but thought the center should be placed in a location where it could be a fully supporting complex with beds. He voiced concerns about loitering, vandalism, crime, lost of

business, decreased property values, and increased pedestrian and vehicle traffic. He stated that there was a school bus stop a block from the proposed center and was concerned about the welfare of the children who board and disembark from the bus.

He submitted a petition with 117 people from the surrounding neighborhood in opposition to the proposed center.

Rebuttal.

Patricia Petruff stated she understood the fear of change that comes with new things and assured that everything possible would be done to maintain for security. She stated the Daily Bread facility was too small on 14th Street and this proposal would create a state-of-the-art facility. She stated there would be cell phone and radio equipped trained personnel stationed outside the center to discourage milling about and mischief. She stated the abandoned Mather's Furniture building was already causing problems by drawing the wrong kind of homeless people.

Ms. Petruff stated there should be continuing dialog with the city, the police department and the neighbors about how the center could be best prepared to handle any situations that may arise.

She suggested that the city attorney draft some suitable stipulations gathered from community meetings to help assure security.

Councilwoman Weaver voiced her concern that Our Daily Bread on 14th Street was an on-going problematic situation and that she had concerns about a security plan.

Adele Erozer restated that the security plan would include several trained staff members trained to be stationed among the center's waiting patrons. She added that the front desk would be equipped with emergency buttons and monitoring cameras would be mounted in the courtyard.

Councilwoman Weaver asked if transportation would be provided for people at the end of the day.

Ms. Erozer answered that 65% of the men would go to work and the other 35% would need transportation to the center.

Councilwoman Weaver stated that the planned security at the proposed center would eliminate the types of problems that were currently being experienced behind Our Daily Bread on 14th Street. She stated that if the applicant implemented their planned security, she would support the request.

Ms. Erozer stated that the security plan was a crucial element for the center, and the plan to have an advisory committee which would meet quarterly with the neighbors was a good idea.

Matt McLachlan gave a brief overview of the comments made and stated that the Department of Development Services staff had reviewed and studied this request from every angle and consequently agreed that this site was compatible and recommended approval with the Planning Commission's recommendation for approval.

The following nine (9) stipulations were determined by the Department of Development Services staff and Planning Commission with revisions made from comments at this meeting today:

1. The special use shall be confined to the health and human services as indicated on the floor plan dated December 2, 2005, prepared by Mary Marsh Lasseter, architect.
2. The special use shall be conducted within the parameters of the Security Plan as approved by the Bradenton Police Department and shall be subject to reasonable

- modification based upon performance. Updates to the Security Plan shall be noticed to property owners within 500 feet of the site.
3. Hours of operation for health and human services shall be limited to 8:00 a.m. to 5:00 p.m. Meal service shall be limited to the hours between 10:00 a.m. to 11:30 a.m. Administrative and community group meetings where services would not be provided may occur in accordance with the Security Plan.
 4. Maximum occupant loads set by the Fire Marshall would be observed.
 5. Fire alarm and fire sprinklers would be installed according to fire code standards.
 6. Signage shall conform to City standards.
 7. All proposed improvements would be completed prior to building occupancy.
 8. No special event parking shall be permitted on site during hours of operation.
 9. The sidewalk on the east side of the building will terminate at the east entrance and not continue to 18th Avenue West.

The public hearing was closed.

Councilman Gallo stated that he could not support this location as this was a countywide problem, but the burden had been placed on the city to take care of this ever increasing homeless population. Councilman Gallo stated that there were many homeless who choose this lifestyle and that the local homeless population had grown when the state closed the facility in Arcadia.

Councilman Golden stated he would support the location, as this was the best location of other locations for consideration.

Councilwoman Barnebey stated that leaving things the way they were would not help anyone but would just make the problem worse. She requested that the center stay in close communication with the police department and community. She stated that we have to try something therefore she would support the location.

Vice Mayor Smith voiced his concern that the issue of homelessness was an ongoing problem and that the issue was to decide if this was the best site for a center. He stated that the city was trying to encourage revitalization on 14th Street, to update McKechnie Field, and to encourage the Village of the Arts and other downtown areas. He stated consequently, with the goals of the city for revitalization in mind, he could not support this location for the center.

MOTION TO APPROVE the One Stop Resource Center as recommended by the Department of Development Services staff and the Planning Commission recommendation with nine stipulations was made by Councilman Golden/Councilwoman Barnebey and carried 3-2 for approval with Councilman Gallo and Vice Mayor Smith in opposition.

NEW BUSINESS BY DEPARTMENT HEADS, CITY ATTORNEY AND COUNCIL

Carl Callahan

UTILITY DEPOSITS

Mr. Callahan gave a brief report on a memorandum dated November 28, 2005 from Ervin Barfield, Customer Service Manager, on three separate items regarding utility deposits.

Mr. Callahan stated that Item #2 - Deposit Amount Increase Required discussed increasing the utility deposit from \$80 for a ¾ inch meter and \$130 for a one inch meter to \$135.00 for both meters for new utility accounts. The change would be effective as of January 1, 2006. Only new accounts and accounts that had been disconnected for non-payment would be subject to the new rate. He stated accounts that were past due and had previously been disconnected for non-payment that did not currently meet the new deposit amount would be required to

increase their deposit to the new deposit amount. All other deposit amounts would be unaffected.

Mr. Callahan referred to Item #1 – Interest on Deposits and stated, that per state requirement, as of September 2005 the City began paying interest on utility deposits held on active accounts. Interest would continue to be paid each September on active utility deposits at the current fair market rate as of September 1st of the current year. The interest would then be credited and applied to the customer's deposit amount during the normal September billing cycles.

Mr. Callahan referred to Item #3 - Deposit Refund and stated that customers with 24 consecutive months of good payment history had their deposits returned to them. The refund requirement criteria would have a start date of January 1, 2006. Any customers that had no late charges for 24 months would be eligible for a refund of their deposit. Using the above criteria January 1, 2008 would be the first month customers would be eligible for refunds. He stated that with the new data system in place the department could now keep track of good paying customers.

Mr. Callahan recommended approval of the changes.

MOTION TO APPROVE the request as recommended by Carl Callahan was made by Councilwoman Barnebey/Councilman Golden and carried 5-0 for approval.

PARKING GARAGE ROAD CLOSURE

Mr. Callahan reported that Finrock Construction contractor for the Manatee County Judicial Center Parking Garage at 615 12th Street West requested closure of a section of 11th Street from 8th Avenue north to the address at 701 11th Street.

He stated this closure would be for one week around the end of January 2006 or the beginning of February 2006.

MOTION TO APPROVE the request for the road closure was made by Councilman Gallo/Councilwoman Weaver and carried 5-0 for approval.

ACTION: The January 3, 2006 special meeting to install the newly elected and re-elected councilmember's would be set for 8:30 a.m.

John Cumming

SOLID WASTE RATE PROPOSAL

RESOLUTION 05-76

A RESOLUTION AMENDING THE FEE SCHEDULE ADOPTED BY FORMER CHAPTER 12, SECTION 45 OF THE CODE OF ORDINANCES OF THE CITY OF BRADENTON, FLORIDA, BY PROVIDING FOR AN INCREASE IN FEES FOR GARBAGE, TRASH AND RECYCLING; PROVIDING AN EFFECTIVE DATE.

Mr. Cumming referred to the memorandum dated December 8, 2005 regarding the Solid Waste Service and Rates. He stated that the cost to operate the solid waste services resulted in a lost of approximately \$700,000 in 2004 and almost \$900,000 in 2005 as the costs of operation have significantly increased. He stated that the city's service should at least break even.

Mr. Callahan discussed the operating expenses and stated that the goal was to break even and not make money. He recommended the following rate increase effective January 1, 2006:

1. Residential customer rate increase - \$2.50 a month (included added landfill of \$.50 month.)
2. All commercial accounts rate increase to \$.30/cubic yard a month to cover the increased County landfill fee.

MOTION TO APPROVE Resolution 05-76 was made by Councilman Golden/Councilwoman Barnebey and carried 5-0 for approval.

Tim Polk

CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) - PUBLIC HEARING

The public hearing was opened; those in favor come forward, hearing none.

Those in opposition come forward; hearing none, the public hearing was closed.

Jeana Winterbottom, Grants and Assistance Manager stated she would be glad to answer any questions the Council had. No one had any questions.

MOTION TO APPROVE THE Consolidated Annual Performance Evaluation Report Fiscal Year October 1, 2004 through September 30, 2005 was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

REVISIONS TO 2004-05 SHIP ANNUAL REPORT.

Jeana Winterbottom, Grants and Assistance Manager stated that on the annual report previously submitted expenses were input into incorrect categories within the spreadsheet. She requested approval of the revised report where funds were reflected as expensed versus encumbered, meaning waiting to be spent on an assigned project.

No discussion followed.

MOTION TO APPROVE the revisions to the 2004-2005 SHIP Annual Report was made by Councilman Golden/Councilwoman Weaver and carried 5-0 for approval.

2006 – 2008 AMENDED LOCAL HOUSING AGENCY PLAN (LHAP)

Jeana Winterbottom, Grants and Assistance Manager stated that a Technical Visit from the state had been held November 7-8, 2005 and had determined the following recommendations:

1. Increase down payment assistance to \$25,000 based upon GACRB input and based upon statewide problem of affordable housing.
2. Increase home purchase price to \$250,000 due to increased average home price in Bradenton.
3. Require prior to application for down payment assistance that applicant was pre-approved for mortgage to ensure timely expense of funds.
4. Assign project expense tracking to same personnel responsible for reporting and updating tracking sheet on routine basis.
5. Review expense of funds mid-plan year, December to monitor expense of funds and recommend changes if necessary.
6. Amend the 2003-05 LHAP utilizing the 2006-08 project and assistance amounts as reflected by need of community.

General discussion: Raising the average price for a new home from \$200,000 to \$250,000, and from \$150,000 to \$185,000 for existing homes and the average down payment assistance from \$10,000 to \$25,000 up to \$40,000 depending upon income.

Councilman Golden voiced his concern about capping the amount of funds allowed for developers to spend on affordable housing when people could not really afford the houses.

REQUEST BY Councilman Golden to add one stipulation that the increase in average price for housing would be capped at \$ 215,000.

MOTION TO APPROVE the 2006 – 2008 Amended Local Housing Agency Plan as recommended by the Grants and Assistance staff with one stipulation was made by Councilman Golden/Councilman Gallo and carried 5-0 for approval.

DEPARTMENT HEADS

Carl Callahan: Nothing to report.

Chief Souders: Nothing to report.

Staci Cross: Nothing to report.

Chief Radzilowski: Nothing to report.

John Cumming: Nothing to report.

Tim Polk: Nothing to report.

Bill Lisch: Stated that Department of Development Services was in need of a temporary certified building official who was licensed and authorized to sign building permits and recommended the following resolution:

RESOLUTION 05-77

A RESOLUTION OF THE CITY OF BRADENTON, FLORIDA, ACCEPTING A PROPOSAL FROM PAIGE, DIXON, CHANDLER AND SMITH (PDCS), FOR THE PURPOSE OF FURNISHING THE CITY OF BRADENTON CERTAIN BUILDING CODES AND ADMINISTRATION SERVICES; PROVIDING AN EFFECTIVE DATE.

MOTION TO APPROVE Resolution 05-77 as recommended by Bill Lisch was made by Councilman Gallo/Councilman Golden and carried 5-0 for approval.

Carolyn Moore: Reported that the city employees had done an outstanding job on adopting 100 foster children for Christmas.

Mrs. Moore reported that \$3500 had been collected by the employees for the United Way.

ADJOURNMENT

There being no further business, Vice Mayor Smith adjourned the meeting at 6:00 p.m.

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