

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 7:00 P.M. ON MONDAY, DECEMBER 20, 2004.

Mayor Benton called the meeting to order.

Reverend Lawrence, Zion Hope Missionary Baptist Church, gave the invocation.

The Pledge of Allegiance was recited.

Upon Roll Call, those present were: Mayor Robert J. Benton; Commissioners Rufus Alexander, Edward Becht, Christine Coke, and R. Duke Nelson; City Manager Dennis Beach; Assistant City Attorney Robert Schwerer; and City Clerk Cassandra Steele. Those absent: None.

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Mayor Benton issued a Proclamation commending the Fort Pierce Housing Authority for obtaining the Status of High Performer for Fiscal Year 2004 issued by the U.S. Department of Housing & Urban Development. Mr. Glaister Brooks was present to receive the proclamation.

**Mr. Glaister Brooks** said on behalf of the Board of Housing Authority Commissioners, their Staff, the citizens of the community that have called and shared ideas and pointed out things to him that probably needed to be addressed that he probably didn't see, he wants to thank all of them. He would like to extend a thanks also to Commissioner Becht who was instrumental in his coming here and for that he is indeed appreciative to have this opportunity to work in this fair City and to do something that is positive and try to make a change.

Mayor Benton said not only has Mr. Brooks done a great job with the Housing Authority but he plays a big role in this community with Weed & Seed. He really helped out a lot putting people in temporary housing after the hurricane. They appreciate all he has done, not just with the Housing Authority.

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Mayor Benton proclaimed January 7-21, 2005, as "Dr. Martin Luther King, Jr. Commemorative Celebration." Ms. Margaret Benton was present to receive the proclamation.

**Ms. Margaret Benton** said she would like to take this opportunity on behalf of the St. Lucie County Dr. Martin Luther King Commemorative Committee - which is an 18 year old event and an 18 year old organization - to thank the Commission very much for this proclamation. Of course, every year it is an opportunity for them to celebrate the legacy of Dr. King. This year they are having their usual parade and the City is very much involved with that and they are also having the festival in the park. They have really almost two weeks of activities and they ask the Commissioners to come out and participate. They start out with an opening at the college and this is where they showcase all the things they will be doing. Then they have the Inner Faith Service, which is in the spirit of Dr. King in which they actually celebrate all of the religions, all the ways in which they celebrate their maker. Every religion is welcome and every religion can take part in the ceremony. They also have the NAACP event. Dr. King had an association with the NAACP. And the NAACP sponsors another Christian service. So at the very first part of their services and their celebration, they start with religion and honoring the Spirit of God. Thereafter, they have a number of their activities. There are a lot of activities for children. There is a youth night and there is a gospel sing fest. This year they have a new event which

is the King concert. At the King concert they will be celebrating not only the spirituals that Dr. King enjoyed but all of the music of that era including classical, jazz, and spirituals. That is going to be at Lincoln Park Academy and that is a new event this year, so they ask all of them and the entire community to come out. They certainly thank the Commissioners for everything they have done in the past. Thank you so much for the proclamation and she will communicate this to the Committee.

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Mayor Benton said at this time he would like to invite the State Representative Richard Machek to come on up and give them an update of what happened last week at Tallahassee.

**State Representative Richard Machek** said last week in Tallahassee they had their special session; and as far as he can tell, mostly good came out of it. He thinks it is one of the few times that the Legislature came together and from that he thinks the State and local government did very well. He will have to say things really turned around when Mayor Benton came to Tallahassee. Mayor Benton came up there and knocked on a few doors and shook a few hands. It seemed like the whole atmosphere changed after he left. Things went to the good. That is how to get things done in Florida, they have to have representation in Tallahassee. They can send letters all day long up there and Legislators just don't have the time to read the hundreds of letters that come into their offices. But when somebody taps on their door and comes in and sits down and talks to them, they can get serious with them and they know they mean business when they come to town. He really appreciates the City of Fort Pierce doing this because it makes a lot of difference to be seen in Tallahassee and particularly at the right time. He thought he would just kind of bring them up to date. He won't go over everything, but he would just like to talk a little bit about what Fort Pierce probably will be able to bring home from this. Number one on his list was the Fort Pierce Farmer's Market, which was heavily destroyed. FEMA was to take over the rebuilding of that, and that was going to be about a 12 to 18 month process. The City of Fort Pierce just can't take that economic setback for that long a period of time. He talked to Commissioner Bronson about it and he has declared it a State of Emergency and he is going to use the Emergency Funds to rebuild the Fort Pierce Farmer's Market. As they speak, they are working on it now, putting plans together to do that. And one of the things that made it happen was just a week or so ago when the City Commission took the moratorium off the Farmer's Market on metal structures there. Then that gave the Department of Agriculture the opportunity to go forward. So they are going to be probably in touch with them pretty quick about it. Commissioner Bronson told him that the Fort Pierce Farmer's Market would be number one on that list to start on; so to him, that was a great move in the right direction for the City of Fort Pierce. He came up here and Commissioner Nelson talked to him about it and gave him the paperwork on it and he was able to take that to Tallahassee and go over to the Commissioner's office and work it out with him, so he appreciates that. Another thing that came out was resident damages. Anybody who has been out of their home for more than 60 days because of the storm can apply to the County Tax Appraisers, and they can get that part of their ad-valorem tax or whatever part of their year they haven't lived in that residence, they can get that refunded from the State of Florida through the Tax Appraiser. The State set aside \$35 million to do that; so anybody who has been out of their home, can apply. They want to be talking to the Tax Appraiser's office. It may take a couple of weeks after the first of the year for everybody to get in line and

start making this work, but it will be in place. Everybody is hollering about the double deductible. The State is putting \$150 million there for anybody who had to pay the second deductible. They can apply and get their second deductible back. As far as he understands, there is not going to be any more double deductible, it is going to change; but in that process their insurance rates may go up because of it, but they can get back their second deductible if they had to pay that. Another thing is everybody heard about Dade County getting all the FEMA money, which they basically did because what happened was the President declared the whole south end of the State a disaster area. And guess what, Martin County, St. Lucie County, Indian River County, Brevard County, and Okeechobee County didn't have any telephones, so they couldn't call, they couldn't even use their cell phones. So the only calls that made it through were from Dade County and Broward County, those people were calling. FEMA had hired a lot of inexperienced adjusters, so they just started giving the money out and that is what happened. Because of that, they have been told that if the people here weren't satisfied with their settlement with FEMA, they can now reapply. If they are not happy with what they got, please reapply to FEMA. They are going to reconsider the payouts in this area here that was so devastated by the hurricanes. So that was another pretty good thing. They put \$100 million aside for educational facilities to give instant money to rebuild. He knows in the Fort Pierce area the schools were hard hit, so the School Board will certainly be pleased with that. The State put up \$68 million for beach re-nourishment and the Federal Government matched it with about \$130 million, so it is right at \$200 million that is going to be available for beach re-nourishment. It should be good for St. Lucie County and Martin County. Senator Pruitt, he thinks on January 6th, is having a beaches meeting out at the FAU Campus there in Port St. Lucie to talk about how many dollars would be allowed for that. Something Mayor Benton has worked on already is the hurricane relief funding from FEMA, the 90%/10% match. The State in the special session decided they would pick up half of the 10% the cities or municipalities are responsible for. Truthfully, because of Mayor Benton being in Tallahassee - and he went over and talked to the majority leader, Leslie Waters - she was able to put into that bill that the Governor can declare certain areas disaster areas and they will pick up the other 5%. So he thinks the City's offices are already working with the Governor's office. He knows the Governor came here three times and the President one time, so that must tell them something - they must think this area is pretty critical to the effort to be fixed. So he thinks with the proper letters. And if he can help them get to the Governor's office, he will be up there the second week of January. He can make an appointment if somebody wants to come up for something, they can go over and talk to the Governor. But he feels very good about the State picking up the whole 10% for Fort Pierce. That is what has come out of it for the City of Fort Pierce. He thinks it won't ease all the pain, but it will certainly help some of the wounds for this hard hit area. There is only one other area that he hasn't really been able to do enough on, and that is on the Human Development & Resources Centre. He knows the CRA put up he thinks \$2.5 million for this endeavor. What he would like to have is the engineers who are designing this building, he would like to know how much it will cost to harden that center for a shelter, then he is going to go after the State. He has talked to the Governor's office about it, Chris Flack. And he thinks that might be an avenue that they can work on, is try to get some funds from the State to harden that building so they will have it for hurricanes. They don't have a special needs shelter in St. Lucie County and God

knows all the schools that were shelters were damaged where they are non-usable. So it is an opportunity that maybe they can get something in that area to help. So if he could get an engineer's report on what it would cost to harden that structure it certainly would be helpful when he goes back up there the second week in January, then he can really sit down and get serious with that.

Commissioner Nelson said the CRA today during their discussion, the architect/engineer was on board. He advised that it could be hardened and they are looking at the neighborhood of about a million dollars to do so. They are making a pitch to the Legislative Delegation on the 6th of January. And he again will be at that session to further emphasize the cost and design of that facility for Mr. Machek's perusal, if he so desires.

Mr. Machek said that will be good, because they have the appropriations chair right here in their local areas. Joe Negrón is the House Appropriations Chair, so there is not a better window of opportunity than the next couple of years, because Senator Pruitt will be the President of the Senate in two years. He thinks it is a wonderful opportunity for this area of the Treasure Coast to benefit on some of these projects they have. Again, he appreciates the time to come here and he appreciates Mayor Benton coming to Tallahassee. Any others who would like to come, his office is their office up there. He is just proud to serve.

Mayor Benton said thank you for the hospitality. He does have one other question, something they did talk about. And he wasn't sure whether they talked about mitigation money for that possibly, was putting together plans for possible relocation of the wastewater treatment plant because of these storms. Was there any news on that?

Mr. Machek said he got some news. He can't really say much about it, but he will get with the Mayor on it. There is an area they can work on there. He thinks they can do something. They have to work in the grant area to spend probably \$30 million or \$40 million to move that plant. To borrow that amount of money is almost impossible for a community like this to repay. So they need to work in a little different area and he will sit down with Mayor Benton on that in the next week or so when Christmas gets by. But there are some things he thinks they can do there that will certainly help that. He talked to Water Management already about it and they have some funds there too. But there is another little area they can work in and he will get with him on that.

Mayor Benton said thank you very much, because that was one thing he got a lot of interest from folks up there with that one. They do appreciate all the work Representative Machek is doing for the City of Fort Pierce. It was amazing how it was non-partisan. Everybody was up there working together for everybody who was hurt by these storms.

Mr. Machek said that is a good thing, it is one of the few times, because Tallahassee is very partisan. It was wonderful to see what happened. Of course, all of them have been very generous to allow him to have an office in the City Hall. His secretary, Tangie Jennings, is right back there in the back.

Commissioner Nelson asked who is that young lady sitting beside her?

Mr. Machek said that is his wife hiding back there. She rode up with him tonight. She wanted to know who Duke Nelson was because he talks about him all the time. Again, thanks for allowing him this time.

Mayor Benton said thanks very much for all his help.

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The next item on the Agenda was the Consent Agenda. Mayor Benton asked does any Commissioner have an item they would like to pull for further discussion?

Commissioner Nelson said he would like to pull Item 6h (City Marina Dock Demolition and Removal of Debris) and Item 6l (Emergency Expenditures by City Departments due to Hurricane Frances and Hurricane Jeanne).

Motion was made by Commissioner Coke, seconded by Becht, and unanimously carried, that the following items on the Consent Agenda be approved:

- a. Approve the Minutes of the Regular Meeting on December 6, 2004.
- b. Allocate \$90,393.86 from fund balance to Burkhardt Construction for **Downtown and Marina Square Hurricane Cleanup** (submitted for 90% reimbursement by FEMA and the State.
- c. Approve Amendment No. 6 to Joint Participation Agreement with the Florida Department of Transportation (Orange Avenue from 13th Street to Indian River Drive) to modify reimbursement to make a \$25,000 payment to Sheltra & Son Construction for subsurface exploration, pavement patching, and resurfacing of **Orange Avenue** between 10th Street and 7th Street.
- d. Authorize Staff to submit Application for Grant in the amount of \$15,000 from the State of Florida Division of **Historical Resources** for Reprinting of Book "Fort Pierce - A Town in Florida".
- e. Approve an additional \$21,980.00 to the existing contract with Malphrus Construction Company, Inc. for **Indian Hills Country Club Golf Course** Improvements for the construction of the transfer pump wall, catch basin, range structure, and additional sod needed to complete renovation project. Bid No. 5402 - Change Order.
- f. Authorize piggyback Florida State Contract for the purchase of 12 Pentax **PocketJet Mobile Printers** for the Police Department from Insight Public Sector in the amount of \$5,178.00. Bid No. 5491 (Funds from Law Enforcement Trust Fund.)
- g. Authorize contribution of \$13,700 from the **Police Department Law Enforcement Trust Fund** (to Police Athletic League, Treasure Coast Crime Stoppers, Northside Bat & Ball Club, Avenue D Boys Choir, MAD DADS, Boys & Girls Club, Avenue D Boys Choir, MAD DADS, Boys & Girls Club, Shared Services Network, and Weed & Seed) for Crime Prevention Activities.
- i. Accept proposal from Summerlin Seven Seas, for replacement of two **Observation Decks** at City Marina in the amount of \$20,000. Bid No. 5469 - Single Source - City Marina Interlocal Basin Dock Structural Repairs.

j. Accept proposal from Summerlin Seven Seas, Inc. for replacement of **Channel Markers** for the City Marina in the amount of \$12,600. Bid No. 5480 - Single Source.

k. Approve ranking and authorize negotiation of a contract with Tetra Tech FW, Inc. for Professional Engineering Services for **Seawall, Retaining Walls, and City Marina**. RFQ No. 5477

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The next item considered was Item 6h, which had previously been removed from the Consent Agenda: Approve additional \$375,000 to existing contract with R & J Marine, Inc. for **City Marina Dock Demolition and Removal of Debris** on Land and Water, in order to complete removal of pilings and boat debris. Bid No. 5468 (Emergency)

Commissioner Nelson said he notes that this is dealing with their Marina and there is a sizable amount of money involved, right around half a million dollars or so, and it indicates that none of this was budgeted. Could they get a staff report as to what they are doing and how they are contemplating defraying these costs?

City Manager Beach said they have approximately \$6.5 million in insurance on the Marina that is being used to defray this cost. Right now they have submitted a work write-up to FEMA that represents the cost of the damages at the Marina to be somewhere in the vicinity of \$14 million. The City will be required to use their first \$6.5 million of insurance before the additional money kicks in from FEMA for this restoration. But the cost they see in front of them this evening are those who are covered primarily by their existing insurance.

Motion was made by Commissioner Nelson, seconded by Commissioner Coke, to approve additional \$375,000 to existing contract with R & J Marine, Inc. for City Marina Dock Demolition and Removal of Debris on Land and Water, in order to complete removal of pilings and boat debris.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item considered was Item 6l, which had previously been removed from the Consent Agenda: Approve list of **Emergency Expenditures** incurred by various City Departments due to Hurricane Frances and Hurricane Jeanne in the amount of \$1,971,472.54 (as submitted in Memorandum by the Director of Procurement dated December 16, 2004).

Commissioner Nelson said this one caught his eye. They are talking about \$1.7 million in emergency expenditures. Where are these monies coming from? And have they built in or do they have a firm handle on some of these expenditures that are cited to the extent that they would not be underestimating or overestimating what their expenditures were, to come up with a black eye like in some areas that are getting these types of monies throughout the nation and these types of expenditures.

City Manager Beach said he believes that the figures they see in front of them are actual expenses that have been incurred to date. This represents overtime and it represents a number of contracts at the Marina. And these have actually, if they have not been paid for, they have contractual obligations to do so. Again, these are

covered by their fund balance or covered by insurance. A good number of these have been brought to the Commission over the past three months for different levels of authorization. They do have the resources identified to pay for this. These have been documented and all of these are part of the requests that are being submitted to both FEMA and the insurance companies for reimbursement.

Commissioner Nelson said another thing he was concerned about here was trying to assess whether or not they are going to have any way of continuing the emergency services, i.e. picking up debris, that is now servicing in their communities. There are some people who are just now getting over the shock effect from the hurricane and throwing out their goods. They still have a sizable amount of downed vegetation on private properties and things of this nature. He is just wondering whether or not they are going to have monies to offset those costs, or are they contemplating using their own resources in Solid Waste and Public Works to defray those that will not be reimbursed? Is there a way in which they have got in place some type of mechanism to absorb these residual costs that he is sure they are going to have?

City Manager Beach said they have received a recommendation last week from the consultants that they brought on board for the debris removal contract; and their recommendations were for the City to end the contractual relationship with Ashbritt. Ashbritt is their primary debris removal contractor. They made that decision based on two issues. One is the amount of debris that is left in the community that is storm-related. And the other is, their own professional judgement about the possibility of the City getting reimbursed for that cost from FEMA. As they know, the cost of removal, disposal, grinding it up, and hauling it off again, it is a very costly process. The recommendation is now they stop doing that. He thinks the County has stopped taking debris in both of their emergency garbage handling facilities - the one at the airport and the one at the fairgrounds. They are now at a point where this debris is going directly to the landfill. They will be ending their contract with Ashbritt; and any additional workload that the Public Works Department and the Solid Waste Department cannot deal with, they will be hiring local contractors to deal with. What they are looking at right now is a piggyback contract with St. Lucie County with a hauler they have specifically for that purpose. The cost for doing that is substantially different and substantially less than the cost that they had with Ashbritt because it is primarily loading and hauling away. They don't have to manage the debris after they have taken it somewhere, they don't have to grind it up, and then they don't have to dispose it again. So there is a different cost associated with it. Their consultant that has been advising them on this debris removal process says that the increased cost that they can document from, let's say December 2004, if they went back in December 2003 and there was a significant spike or significant difference between debris removal cost in those two months, December 2003 and December 2004, that the difference would be reimbursable by FEMA. And that is how they hope to address this reimbursement issue. If they are not successful with that, then yes, it will be a cost that the City will have to bear.

Commissioner Nelson said that is good. But he wants to point out to them that what he sees out there is this latent action on the part of people getting over their shock and awe effort. They are now gutting their homes and in some cases tearing them completely

down and in some places getting the stumps up from the trees that have blown over. This is going to be very costly. He is not sure the City wants to absorb that cost. If they don't, then he just hopes they have a clear path to FEMA's front door to get reimbursement on it. Otherwise, it is going to put a big whack in their little pocketbook.

City Manager Beach said there are two additional things they are doing in that regard. One is, when people are coming in for building permits, their Building Department is telling them very specifically that they have to handle this debris removal and their contractors have to deal with it, and they understand that right now. The other thing is, they will be starting Code Enforcement working with members of the community to remove some of this debris on their own.

Commissioner Nelson said that is another issue. They are having these permits waived. They talked about no fees at one time, then there were fees again, and now he envisions in the very near future they are going to talk about no fees again for permits and all this stuff. What he is looking at is the fact that if they go the route of having the property owners defray these costs, then of course it is a burden on the property owners. It is an act of God that these things happen. Those types of things, they ought to have their Federal government or State government or somebody come in and assist them. He is looking forward to the day when they can have these kinds of costs not be a burden to the taxpayer, the local taxpayer, he is talking about.

City Manager Beach said their intentions are to take full advantage of the programs that are offered by FEMA and any other sources that would assist with this.

Commissioner Nelson said okay. He just wanted to put it on record of what they were doing and how they are thinking. That \$1.9 million is a lot of money. He is telling them it is going higher. With that, if there are no further discussion or comments from anybody else, he will...

Motion was made by Commissioner Coke, seconded by Commissioner Nelson, to approve list of Emergency Expenditures incurred by various City Departments due to Hurricane Frances and Hurricane Jeanne in the amount of \$1,971,472.54 (as submitted in Memorandum by the Director of Procurement dated December 16, 2004).

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-303 entitled, "AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTIONS 15-6(b)(3)(a); 15-6(b)(3)(b); 15-8(4)(a)(2), 15-8(5)(a)(3), 15-6(b)(3)(e); AMENDING THE **SIGNS AND BILLBOARD** HEIGHTS, SETBACKS, SIZE, AND LANDSCAPING REQUIREMENTS IN C-2, C-5, C-6, OS-1, OS-2, A-1, A-2, C-3, C-4, I-1 AND I-2 ZONING DISTRICTS; AMENDING SECTION 15-8(7)(b), AMENDING THE I-95 AND TURNPIKE SPECIAL SIGN DISTRICT, CREATING SECTIONS 15-6(b)(3)(a)(1), 15-6(b)(3)(a)(2), 15-6(b)(3)(a)(3), AND 15-6(b)(3)(a)(4); PROVIDING FOR PROSPECTIVE APPLICATION; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT, PROVIDING FOR AN EFFECTIVE DATE." was placed on first reading and read by title only. (Postponed from November 1st. Postponed from November 15th to allow for Revisions.)

Mayor Benton declared a Public Hearing on Ordinance No. K-303 in session and asked if anyone in the audience wished to be heard.

**Ms. Linda Cox**, St. Lucie County Chamber of Commerce, said she has not seen the proposed ordinance, but she did take their recommendations from their last Commission hearing. She thinks Commissioner Becht had suggested that they make proposals. The Chamber did do that. Subsequently they met with Ramon Trias and the Mayor and were assured that all those recommendations were incorporated into that ordinance. She would just like to make sure those have been.

Mr. Ramon Trias, Director of Development, said they had a very productive meeting. They got the recommendations in writing from the Chamber and he believes those were included in the Agenda package. This is a substantial change from the ordinance they had previous and he thinks it may have to be re-advertised. But in his view, the Chamber's suggestions are very effective. The Ordinance as presented to the Commission still has some of the older language in it from the previous version, but it includes the Chamber's comments also. He thinks at this point, the best thing to do is to clean it up and then re-advertise it and follow the procedure.

Commissioner Becht said he thinks that is probably a good idea. He did have a chance to see the Chamber's recommendations and he thanks Ms. Cox for getting that to him. There was concern on what he will call the setback from road right-of-way; and the concern he heard was that there are some older properties where there is not sufficient room to move the sign back five feet. His concern is the way they have drafted this is that even if there is room to move it back five feet, if it is an older sign, they could still be 18 inches off the road right-of-way.

Mr. Trias said yes, that was the Chamber's suggestion, and that is the way they drafted it.

Commissioner Becht said right, he understands their concern. But he thinks there is another way of doing this. What he would suggest is - and he doesn't mean to create additional work, but that is what he usually ends up doing - if they have a hardship, if they can't move the sign back five feet, he thinks they need to establish maybe a variance mechanism where they can locate it within 18 inches of the road. But the way this is drafted, they will never be able to move these old signs five feet off the road and the older signs will then give those owners an unfair competitive advantage. He doesn't think that is what the intent of the Chamber was. He thinks the intent of the Chamber was, if there is not room to move it back five feet, they need to be able to keep it at 18 inches.

Commissioner Alexander asked just to piggyback on Commissioner Becht, are they speaking of new signs to be placed five feet? Existing signs will stay at 18 inches? Is that what he is reading?

Mr. Trias said that is what the text says, any sign that is already there and is damaged 50% and request a permit for replacement will be allowed to be there at 18 inches or a reasonable amount of setback as opposed to the five feet they would require otherwise. That is what they have before them. Like he said before, in his view this is a substantial change from the previous ordinance and therefore they will have to readvertise it. And they could clean up some language if the Commission directs them to do that tonight.

Commissioner Becht said if there is a consensus then he would like that addressed, because he is concerned that they are going to create a burden on their business owners that their comrades in the County don't have. He thinks the sign ordinance in the County may not be this restrictive yet. They could hope that might change. He would like for the City's people be on equal footing with their business comrades in the County.

Ms. Cox said she thinks the Chamber remains very willing to work with the City on this. They are right, they do want to protect the businesses that already have signs in place. One of the issues that was raised by a number of the businesses is, if they were to put their sign with the five foot setback, they would lose parking. She knows Rick Haisley is one of the prime examples where he doesn't have enough parking as it is; and although he might be able to accomplish the setback, it removes parking which is more important.

Mayor Benton said he thinks what they can do is, when they get through the Public Hearing, any changes they want Staff to come back with on this. Because they also need to address whether they feel what damage was done to existing signs, whether they should be replaced or not. He doesn't think that has been addressed either, but he thinks that is something they should send a message with too.

Commissioner Becht asked when does Mr. Trias expect this might be brought back to them? Because this is creating a hardship on businesses because it is not resolved yet.

Mr. Trias said he needs to consult with the City Attorney whether or not this needs to go back to the Planning Board, but otherwise as soon as it is legally possible.

Assistant City Attorney Schwerer said he is not sure. He was out of town last week, but his understanding is that this was re-advertised.

City Clerk Steele said the ordinance in front of the Commissioners tonight with the changes by the Chamber was re-advertised.

Assisted City Attorney Schwerer said that is what he thought and he didn't know if Mr. Trias was aware of that. But his understanding was that it was re-advertised so it is ready to be passed tonight. That is for the notice requirement. If they want any text changes, then they need to address those tonight; and if those are substantial or substantially change the ordinance, it would have to be re-advertised. If they want to deal with those tonight and see what they are, they could get this in play. The City Clerk indicated that she properly advertised it within the time frame required and therefore they are ready to go with it.

Mayor Benton said he would not think with the changes they are talking about are substantial.

Mr. Trias said in that case, they may want to go with this. They can clean up the language, as Commissioner Becht suggested, before the second reading. He thinks they can do that.

Assistant City Attorney Schwerer said if he wants to tell them exactly what it is and be specific, they will see what they can do with getting it in there.

Mayor Benton said he thinks that would be a good idea. That way it could be ready at the next meeting.

Assistant City Attorney Schwerer said right, then they all know where they are at.

Ms. Cox asked may the Chamber have an opportunity to review that ordinance before it comes before the next hearing? So that way she would much rather be here to support the ordinance than she would be to go against the ordinance, because they do need to get this resolved for the businesses.

Mayor Benton said most definitely. Any changes they talk about after the public hearing is closed tonight, just take those notes down and that is probably the way it will come back. So any changes the Chamber would like, give them a call and they will try to get it straight before the next meeting. It would just be minor language hopefully that they can change and get it through and finished.

Commissioner Becht asked has a sign company been in touch with her?

Ms. Cox said several. They had several who actually worked with them on this throughout this process. There is a sign company that is here tonight if they would like to hear from him.

Commissioner Becht said actually he thinks it was the Florida Association of Outdoor Signs or something like that.

Ms. Cox said no, she has not heard from them. She has only been dealing with the local sign companies.

Commissioner Becht said he will try to steer them to her.

Mayor Benton said they have come to both meetings. He thinks they had three different sign companies.

Ms. Cox said the Chamber is trying to keep them all in the loop and get feedback from them, because like she said, they want this to be something that is workable for the businesses but yet keeps Fort Pierce beautiful. That is everybody's ultimate goal.

Seeing no one further and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Commissioner Becht said he would just reiterate what he had said. He is having a hard time working it through his mind on how this would apply to a business owner that on an existing sign has five or seven feet with which to move the sign without burning a parking space; and yet under this ordinance, it appears to him that the business owner won't have to move it. Like he said, he is having a hard time working it through his mind. But if Mr. Trias could work through that. And if that is possible, then he would like the language changed. If it is not possible, then he worried about something he didn't need to worry about.

Mr. Trias said just like in any ordinance, the implementation of the ordinance has a lot to do with the final result and the way it is interpreted and the way that different engineers and architects and so on design the project. So he will see what he can do. But he feels comfortable that there is enough information here to do a good job as far as dealing with the aesthetics and so on of the

existing signs; and also at the same time, protect some of the rights that some people believe they have.

Commissioner Coke said just as a point of clarification, Commissioner Becht is talking about Section 6 of the Ordinance (Section 15-6(b)(3)(b) of the Code) where it now says it "...and requires a new permit for repair or replacement it shall be reconstructed under current regulations, but maintain the eighteen (18) inch setback requirement." He is looking to change that to say something like "only if the five foot setback would create an undue hardship or loss of parking space"?

Commissioner Becht said correct.

Mr. Trias said he wants to say that the variance process applies in the case there is a hardship. That is why they have the variance process. And it does apply to signs also.

Mayor Benton asked is there anything else? If they can have that brought back to them at the next meeting so they can get people to get their signs back up.

Commissioner Coke asked do they need to make a motion with Commissioner Becht's change?

Assistant City Attorney Schwerer said yes.

Motion was made by Commissioner Becht, seconded by Commissioner Coke, to amend Ordinance No. K-303 with the minor change to deal with changing the requirement that it be located five feet from the roadway if the owner can demonstrate a hardship; and that Ordinance No. K-303, as amended, be passed on first reading.

Commissioner Nelson asked how closely does this mirror the ordinance that is used in Port St. Lucie or St. Lucie West?

Mr. Trias said very closely as far as the height of signs as they relate to the area of the parcel; and that is the way they try to address the fact that bigger parcels need taller signs. But it is basically the same.

Mayor Benton asked when talking about the 50% damage, would this sign ordinance apply to new signs or signs that were damaged more than 50% in the hurricane? Could that be the way to apply this?

Mr. Trias said yes.

Mayor Benton asked would everyone agree to that? (The Commissioners agreed.)

Those voting in favor of the passage of Ordinance No. K-303, as amended, on first reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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Ordinance No. K-306 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE A PARCEL AT SOUTHEAST CORNER OF EDWARDS ROAD AND SELVITZ ROAD (a/k/a **3891 EDWARDS ROAD**); DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND;

ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Christian Fellowship Alive)

Ordinance No. K-307 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE THREE PARCELS OF LAND: **4010 OAK HAMMOCK LANE, 4022 OAK HAMMOCK LANE, AND 3362 SELVITZ ROAD**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: George Hughes, Robert Forsman, & Thomas Parsons)

Ordinance No. K-308 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE SIX PARCELS OF LAND GENERALLY LOCATED EAST AND WEST OF SELVITZ ROAD, NORTH OF GLADES CUT-OFF ROAD (KNOWN AS **3398 SELVITZ ROAD, 3548 SELVITZ ROAD, 3630 SELVITZ ROAD, 4100 GLADES CUT-OFF ROAD, 4510 GLADES CUT-OFF ROAD, AND OTHER PARCELS CONTIGUOUS THERETO**); DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Becker Holding Corp., Becker Indian River Properties, St. Lucie County Scouts, Inc., Helena Chemical Company, Pioneer Ag-Chem, Inc., and Fort Pierce Contracting Corp.)

Ordinance No. K-309 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTIES LOCATED SOUTH OF GLADES CUT-OFF ROAD, EAST AND WEST OF SELVITZ ROAD, KNOWN AS: **FORT PIERCE BUSINESS PARK LOT 8, 4240-4252 BANDY BOULEVARD, FORT PIERCE BUSINESS PARK LOT 10, 3965 SELVITZ ROAD, 4101 BANDY BOULEVARD, 3925 SELVITZ ROAD, 3885 SELVITZ ROAD, 3900 SELVITZ ROAD, 3904 SELVITZ ROAD, 4040 SELVITZ ROAD, 4050 SELVITZ ROAD, AND FORT PIERCE BUSINESS PARK LOT 1**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Cloud Nine Investments, Inc., KJ's Limited, Firehouse Youth Centre, Inc., Florida Detroit Diesel-Allison, Advances Machine & Tool, Inc. Joon S. Moon, Donald M. Wood, Troy W. Drawdy)

Ordinance No. K-310 entitled, "AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE **SEVEN PARCELS OF LAND GENERALLY LOCATED BETWEEN SELVITZ ROAD AND 25TH STREET, NORTH OF NSLWMD CANAL #101**; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2005; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; CERTIFYING PUBLICATION OF THIS ORDINANCE; ZONING SAID LAND; ESTABLISHING THE FUTURE LAND USE DESIGNATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF." was placed on second and final reading and read by title only. (Owned by: Cargill Juice N America, Inc., Bobby Johnson, Sunpure Ltd., Centerline Homes - Ten Mile Creek, SFWMD Trustees Internal Improvement Trust Fund)

Mayor Benton declared a Public Hearing on Ordinance Nos. K-306, K-307, K-308, K-309, and K-310 in session and asked if anyone in the audience wished to be heard.

City Manager Beach said if he may, to kind of frame this discussion, he would like to describe where they have been and give them some information that Staff has obtained as recently as today. They are on the second reading of these ordinances. After the first reading, there was a request from St. Lucie County to hold up on one specific piece of property until it had gone through some development approvals with the County. He thinks that is the Becker property. And it is one of the annexations they could hold up on it without affecting the balance of them, it did not affect the contiguity of the balance of the annexations. Since that date of the first reading, they have received another letter from the Chairman of the St. Lucie County Commission requesting that the City Commission hold up on all the annexations until after a January workshop that he believes may be scheduled or in the process of being scheduled. They wanted to have this discussion in light of the Joint Planning Agreement that they are all looking at and working on at this point in time. One of the annexations that the County requested the City Commission not act on is the very first piece of property that affects the contiguity of the balance of the annexations. (Ms. Satterlee, Assistant to the City Manager, displayed a map.) He talked to the County Administrator several times today on this subject in trying to get some understanding as to exactly what the County Commission had in mind in terms of delaying these annexations and what the purpose of delaying them. Their request on the first readings, the request for delay, was so that certain development approvals could be granted through the County as opposed to through the City. They agreed to that. And by the way, tomorrow is the day the County will approve those development orders. Additionally, the other portion of property they had asked the City to hold off on, that will also be approved tomorrow, and that is a rezoning. He is not sure exactly what to advise the Commission to do in this regard. They all know the history of their annexation strategies and their annexation discussions with the County Commission. They know of the agreement the City has with the County in regards to the selling of water to the County in turn for their acknowledgment and recognition of the City's annexation policies. So it has a very long history. It appears some people want this discussion again. Staff called the developers, both the Becker Holdings and also that very first property he referred to earlier that deflects the contiguity of the balance of them, asking them if they had objections to these annexations; and neither of them had objections to the annexations as long as the City would make the effective date of the annexation

after the development approvals or the rezoning by the St. Lucie County Commission. That effective date appears to be December 31, 2004. He received that information today directly from the County Administrator. So if they were to approve all of these annexations this evening, it would be the recommendation of Staff that they make the effective date of those annexations December 31, 2004, as opposed to as they normally do these things effective immediately. However, again, he wants the Commission to be aware that the St. Lucie County Commission is asking the City Commission not to approve any of these annexations until after a workshop to be conducted, he believes, some time in the middle of January. Their decision about that is clearly their decisions. The Assistant County Attorney is here and she may be able to shed some light on the thinking of the County Commission in this regard. So that is pretty much it from staff. The Assistant City Attorney is certainly available to answer any questions they may have. That is the background.

**Ms. Heather Young**, Assistant County Attorney for St. Lucie County, said the purpose for her being here tonight is to reiterate the Board's request that the City Commission consider deferring action on these proposed annexations - and her comments apply to all the ones that the City Clerk read into the record - until after that meeting in January, which she believes is scheduled for January 14th, which will be a joint meeting between the City and the County and one of the issues that will hopefully discussed is the proposed Joint Planning Agreement and these annexations. At their meeting last week, the Board had a presentation on the annexations and their decision was to forward the letter which Commissioner Hutchinson, the Chair, sent to the Mayor making that request. She is here tonight just to reiterate that the County has a concern with regard to the compactness issue for the proposed annexation and the potential creation of enclaves and fingers. Recognizing that the City may decide to go ahead with the annexations tonight, she does have some documents that she would like to enter into the record which she has already provided the City Clerk and distributed to the City Commission. For the record, she has provided a map on the proposed annexation area. The documents are the letter dated December 14th from Frannie Hutchinson to Mayor Benton; a copy of three cases: Martin County vs. City of Stuart, Orange County vs. City of Apopka, and City of Sunrise vs. Broward County; a copy of Chapter 171 which is the Florida Statutes dealing with municipal annexations; and a memo from Michael Brillhart, who is the County's new Strategy & Special Projects Director, outlining his analysis of the proposed annexation, dealing with the issue of compactness and that concern. She simply requests that the City Commissioners consider deferring action on these items until after that January 14th meeting can be held with the County Commission. If they have any questions about the map, Ed Cox, the St. Lucie County's Growth Management Director, whose department prepared it, is also here tonight.

Commissioner Coke said she has one question regarding this map because she sees in the legend it says "St. Lucie County Airport Service Area to be defined". And to the best of her recollection, the service area there has already been defined as the City of Fort Pierce's Service Area and that was defined many years ago; and that they agreed, when they established a new service area, to defer annexation on the airport. They did not agree to give up their utility rights in that area.

Ms. Cox said as she understands it, the map was prepared with information that City staff provided. If that needs to be changed, that language, they can do that.

Commissioner Coke said yes.

Commissioner Alexander said in the ordinance that was read, he is reading one that is requesting a postponement. Where are they standing with that?

Mayor Benton said all these people want to be annexed.

Commissioner Alexander said but one requested postponement.

City Manager Beach said the request for the postponement Commissioner Alexander is referring to was the Becker Holding request. The City Attorney talked to them this afternoon. Becker Holding is that property on the map further to the west. It is a very large parcel. The City Attorney was in contact with those folks today; and they said as long as the City makes the effective date December 31st, they have no objections to the annexation. Again, the intent of that is to allow them to get certain development approvals through St. Lucie County that they would not have to duplicate if the City brings them in earlier than December 31st. That is the one Commissioner Alexander is referring to. He didn't describe this, but all of this blue area that they see south of Old Edwards Road is the area they are talking about annexing tonight. If they pass these annexation agreements, this is the area that will be annexed.

Commissioner Alexander said south of Edwards Road.

City Manager Beach said yes. They have old Edwards Road just at the north end of this map, and all of that area that is blue beyond that are the different annexation agreements, and the yellow is unincorporated area.

Commissioner Alexander asked where he is pointing would be south of Edwards Road?

City Manager Beach said it is south of Edwards Road. The area they are looking at is all of that. It gives them some perspective on how this fits into the overall City Limits. The blue is where they have the annexation agreements they are going to act on. Those are the parcels shown on the map. The yellow is the unincorporated area. And the concern being expressed by the County Commission is that they are creating these pockets of unincorporated area.

Commissioner Alexander said the portion he is speaking about is to his immediate left there. Is that in?

City Manager Beach said that is not in this tonight.

**Mr. Mike Simone**, 407 North 6th Street, said he doesn't understand how the County is nitpicking on these annexations when simultaneously they are allowing Port St. Lucie to continuously annex thousands of acres, properties, and parcels west of I-95. Fort Pierce is a City and it is not developing green space or anything like that. They are just trying to increase their tax base and provide their services. He just doesn't understand in the meantime, all these beautiful and natural areas are being taken over by Port St. Lucie. Just to express his opinion, that is all.

Seeing no one further and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Assistant City Attorney Schwerer said in anticipation of making the effective date December 31, 2004, he asked the City Clerk to prepare the effective date for each one of these ordinances so they now read December 31, 2004. That has been done?

City Clerk Steele said the ordinances in front of them of course have the old effective date. If they make a motion to pass on the first reading with an amendment to change the effective date to December 31, 2004, she has the ordinances prepared that have that date at this time for the Mayor to sign.

Assistant City Attorney Schwerer said they need to make a motion to amend each ordinance to be effective, instead of immediately or upon final passage, effective December 31, 2004.

Commissioner Nelson asked what is the urgency of this annexation effort they are undertaking at this time?

City Manager Beach said he doesn't know that he would categorize it as a level of urgency. He thinks it is a systematic program that has been in place for many years. And each time they conduct a certain number of annexations, they prepare themselves for the next level of annexations that puts them contiguous to others that they can keep moving. Do they all mind if he just takes a minute and lay out something that might...? They have an agenda item coming up later on this evening, it's a legislative thing that is going to square off the City limits. (City Manager Beach pointed to areas on the map displayed to the Commissioners.) It takes in this whole parcel. That is a discussion they are going to have at some point this evening. Here is the area they are talking about annexing. What it does is, it gets them down here. If they are successful in getting St. Lucie County to agree to this... He shouldn't say agree, but if they could get St. Lucie County to not disagree with it, what they have done is cleared up all of those enclaves that are created by this annexation process they have. They have always acknowledged and always agreed that these enclaves create difficulty for service delivery. But they have a way to clean up the enclaves. They simply have to have the County's acquiescence to do it. This is just the Edwards Road conclave here. They have another opportunity in the next Legislative Session or whatever. They can come all the way down here, over here, and back like this, and get rid of every one of those enclaves through a Legislative Act. They have the ability to go west of the current City limit and square it up there. It is just a Legislative Act taking in those boundaries. It is the same thing north of the City limits. They can go all the way up to the urban developed land; and through a variety of Legislative Acts, they can square off the municipal boundaries and deal with this whole issue. That is kind of where this is all going. The argument that St. Lucie County has always put forth is the creation of these unequal municipal boundaries. That is not an ineffective argument. It is not an unrealistic argument. The problem with it is, the way Fort Pierce is annexing is the only way they have available to them. If they had other ways available to them, they would be doing it other ways. Of course, the City's lawyers advise them this is perfectly legal, it is perfectly appropriate. And over the next 50 years he can assure them, if they continue this piece by piece practice, they will have all this property anyway. But they have a way of doing that sooner through Legislative Acts.

Commissioner Coke said it seems to her - and correct her if she is wrong - that all those many, many hours in meetings they spent when the County needed the water for their projects that they were supposed to have provided and didn't, and the City agreed to provide that and not include that in the City's urban services boundary; and then they agreed this is the City's service area and that this eventually would be the City limits of Fort Pierce. Is she correct in that assumption? In consideration for that, the County was going to cease and desist wasting the taxpayers money, and wasting the effort and energy of staff, arguing these annexations.

City Manager Beach said that was certainly the discussion and that was the impression the Commission and Staff all walked away from those meetings.

Commissioner Coke said in turn, the City was not going to annex the airport. So the City gave the County water where they wanted it, they stopped the annexation of the airport at that point in time. They deferred it, they didn't agree they would never would. And in turn, the County was supposed to allow them to expand their City boundaries to the extent of the urban services boundary. That is her understanding of the agreement the City made with the County.

City Manager Beach said what the County agreed to was that they agreed to acknowledge the City's annexation policy, they agreed this was the future municipal boundaries of Fort Pierce as it related to their water service boundaries, and...

Mayor Benton said to add to that, when they had the joint meeting with three of the County Commissioners upstairs in the 3rd Floor Conference Room. And all his discussions, hours and hours leading to that. Ms. Young wasn't there and Dan McIntyre left early. But what wasn't in the legal agreement was the agreeing of three County Commissioners to let Fort Pierce do business as they have been doing for the last 20 years and to continue. Because the only way the City is going to annex is to go down a main thoroughfare. And there are going to be people left out, just like Greenwood and Orange Blossom Estates. And only by the County allowing the City to have the Legislature throwing those in, they won't get those. He thought they agreed to this. He knows County Commissioner Frannie Hutchinson voted against this agreement. But as far as the City is concerned, to put this off they would have to advertise it again, which costs money. They had to advertise it twice. Every time they do that, it is costly and it gets old. They are not looking to start a riff with the County again. But at least with his discussions with three of the present County Commissioners, this isn't an issue with them. They would like to address this and future issues at the joint planning workshop. But as far as the City is concerned, he thinks they should move forward tonight and put that effective date December 31st. This is the agreement they got last February (Special Workshop Meeting with St. Lucie County on February 10, 2004) and he thinks they need to move on.

Commissioner Nelson said he asked about the urgency and everybody interrupted and he wants to talk about it. He has a couple of comments. One of the documents they are dealing with here is the Joint Planning Agreement that they propose to have with the County. They allude to that in their December 14th letter. How are they coming along with that agreement? To what extent that they moved forward with that?

City Manager Beach said the last communication he had from the County Administrator included a Joint Planning Agreement that had, as part of that agreement, it had the City Commission agreeing to defer annexation on the research park for some period of time. He believes that agreement is the subject of the January 14th joint meeting that St. Lucie County is trying to put together with Fort Pierce.

Commissioner Nelson said presently he thinks they have a zoning problem out there with this new development and they have a land use problem out there. And they have a spirit of cooperation that is extended out there with respect to the City allowing the County to go and do their thing with these potential developers out there. The fact that there is no dire urgency, why can't they postpone this - they don't have to go through the advertisement and all that business again - until after the County has consummated their dealings with these potential developers? December 31st would not hurt them that much.

Mayor Benton said that is what they are planning on doing.

Commissioner Nelson asked why not just postpone it and don't act on it until after then? Because they are locked in. And giving the developers something to throw back at the County on it.

Assistant City Attorney Schwerer said let him point out one thing here. Very clearly, these are voluntary annexations. These are land owners who own property who have signed agreements. They are not objecting. The property owners don't have objections. The two developers he talked with want to be annexed into the City. One is going in for PUD approval at a density lower than what is even required under the County, and the other is under some re-zoning issue. Neither of them object to being annexed. None of the land owners object, they haven't been here to object. Under the law, the County is not compelled to object to any annexation. The law does not require the County to be here to object. Commissioner Becht pointed that out very aptly during the meeting they had with the Commissioners that evening last February when they resolved their differences by the Interlocal Agreement. So the County has no legal or factual cloud hanging over their head saying they are compelled to object. The County chooses to be here. He doesn't know if it is an objection or a request for deferment. But these landowners have a right to be annexed upon second reading and none of them have requested a postponement and none of them have requested to be taken off this agenda. The landowners have a right to be here to raise those objections. He is pointing that out that they landowners have not been notified that there is possibly any postponement of their request; and they have a right to have the Commission act on it, unless there is a request to postpone from them.

Commissioner Nelson said it is via the City's initiative that they are putting forth this annexation issue. When they have to deal with land use issues and zoning issues that the developer probably is not fully aware of the Fort Pierce portion as well as the St. Lucie County portion, and if in the event they were to in fact annex them at this time, then they will be forced to look at both. If they let the County go ahead and consummate their deal, they can concentrate on just the County. The City has the hook necessary to annex them into the City when they become contiguous. There is no urgency. Why don't they just leave them alone and let them go ahead and do what the County is supposed to do? The Staff has been

talking about coordination with the County. When this issue was first brought up to them, there was no mention of the fact that there are developers out there who are trying to develop in the County's deal. They need to show that level of coordination and cooperation in order to be a good citizen and good partner in this development of this entire County. He doesn't remember staff telling him about the church effort going on out there, about the Becker people doing their thing out there. Where has that staffing effort been?

Assistant City Attorney Schwerer said that did not occur until they received a call from the County.

Commissioner Nelson said he thought they saw those signs out there and some of the people were calling.

Assistant City Attorney Schwerer said they never received a call from the developers until the County made the request for the initial Becker property to be deferred until they could take action. His conversation with the County Attorney was, there is a meeting tomorrow and the County is going to approve the PUD, so they needed that one additional day. That was the extent of the conversation. Then he talked to the developer's attorney and he has talked to the developer. They need to get these properties into the City before the end of the year because there is additional annexations coming that are dependent upon these.

Commissioner Nelson said he likes the idea of working with people. He doesn't see where this is going to hurt them that much. They have many other things that are going to come down the pike in the future that this could be used to hinder the effort. Two weeks or whatever the case may be is not going to hurt them. He really doesn't think it is going to hurt them.

Mr. Ramon Trias, Director of Development, said if he could just make a statement about the collaboration. As was pointed out, one of their intents was to share site plans that were in the City of Fort Pierce with the County, which they have done; and they agreed with the County, voluntarily of course, that the County would do the same, which they have not done. At this point, it is very difficult to create any kind of cooperation when the County clearly, at least at the staff level, has absolutely no interest in following up on their initiative of sharing the planning work that is going on. He would prefer that they did, but they have not done that. He thinks if Commissioner Nelson a chance to speak with them, that would be very productive.

Commissioner Nelson said what he says he has no doubt it is true. But he solicits from them, when they encounter those types of frustrations at staff level, that they have five people up here who can pick up the phone and call one of those County Commissioners over there. Do just like Commissioner Hutchinson did, talk to them one on one and make things happen. They cannot let stifling within the staff or friction within the staff stop the overall global cooperation.

Mr. Trias said no, there is no friction. It is just simply that there has been no follow-up by the County, for whatever reason.

Commissioner Nelson said but clearly the City had some cases wherein they asked the developer to go talk to the County. They went over there and talked with them. And guess what? They came

back with a solution and everybody was happy. That is what they are trying to get. There was not this bickering between the County and the City. When they thought of proposing blocking off these various areas to get rid of enclaves and everything, he will pitch this at the Florida League of Cities level and he will pitch this with State Representatives that they need to get all these enclaves eradicated from the City boundaries. They need to be able to annex any and all properties within their service area. They can't have this opposition by the County all the time, because it makes their life difficult and they don't need that. In just two weeks or so, after getting the joint planning agreement squared away, looking at the land uses and looking at the zoning requirements, he thinks it would do them great stand if they give way a little bit.

Commissioner Alexander said he just wanted to be assured tonight that they are not creating any pockets. From what he is looking at here, no one particular piece of property here would put everything else in jeopardy.

Mayor Benton said in his eyes, anything they do within developed land, they are going to have pockets and enclaves. The only way that can be avoided is if the Legislature did what they did for the City of Port St. Lucie and allowed them to grow one night as big as they did. But unfortunately, Fort Pierce didn't get that. St. Lucie County hasn't allowed Fort Pierce to do that. But St. Lucie County did not oppose Port St. Lucie growing the way they did many years ago.

Commissioner Alexander asked is he telling him with annexation of these properties here they are creating pockets and enclaves?

Mayor Benton said as he can see, in between there is always going to be a piece of undeveloped property, but there is no way around that. That is the way it has been done since they started annexing 20 years ago. And so far the County hasn't allowed the City to fulfill their boundaries. This is the way they did it before. This is the way they should do it. And for the County and the City to be spending hours and hours debating each one of these is kind of absurd with all the things they have to deal with today. He just can't believe this. To him, he has spoken to all the County Commissioners about this; and he doesn't see the interest from the others as he does from Commissioner Hutchinson on this. Of course, she voted against the interlocal agreement.

Commissioner Becht said he for one has been pushing staff to annex as fast and as aggressively as they can. So for him to back off tonight would be hypocrisy on his part, so he is not going to back off. The December 31st deadline causes no harm to the property owner. As he sees it, it causes no harm to the County. But to delay it further could cause the City harm. They are trying to complete a puzzle here because of the way the annexation laws are. And if they delay picking up these six or eight pieces or whatever, they delay filling in the puzzle as he, for one, has wanted staff to do. As Mr. Beach pointed out earlier tonight, they are going to try to get a legislative bill, which he hopes the County won't fight; because the very reasons the County has been giving for opposing their annexations, they will fulfill that by doing the block legislative bill annexation. He has a question for the City Attorney. As he sees it, the County's actions and even in authorizing the sending of this letter, they have breached the intent of the interlocal agreement, the agreement they put so many hours into. They breached the intent of it. They may have

breached the actual letter of the agreement. What is the City's recourse? And what are Mr. Schwerer's sentiments about, have they breached the letter of it, and what can they do about it?

Assistant City Attorney Schwerer said at this point in time he has not completely looked at this situation to be able to thoroughly advise the Commission. But in one sense, this technically is a request to postpone and defer from the County Commission's Chairman. It does not, in his opinion, rise to the level of a legal challenge as of yet as of today. So absent any additional action, he doesn't think there has been a technical breach. But he does believe that clearly the intent of the interlocal agreement was to not object to any annexations within the defined service area that the City would have, that the County would not object. There are minutes of that February 2004 meeting. They can read it and can certainly see what the comments were by the three County Commissioners that were there as well as all five of the City Commissioners who were there at that meeting. But he does not see this yet rising to a legal challenge. He sees it was presented tonight as a request to defer. There was some legal case law entered into the record. There are some options that the County has to fulfill. One is conflict resolution and on-going action they have to take if they want to take this to the next level. At that point in time, should that occur, he will be more than happy to address that issue with any Commissioner.

Commissioner Becht said one final question. All of the lands they are talking about annexing tonight are eastward of the Urban Service Area Line that the County largely draws.

Assistant City Attorney Schwerer said correct.

Commissioner Becht said the lands that Port St. Lucie annexed, to which the County backed off, are westward of the Urban Service Area Line.

Assistant City Attorney Schwerer said that is correct.

Ms. Young said just to clarify, the action the Board took at their meeting was merely to ask that the City consider deferring action on this. She wants to make it clear that they didn't have before them and haven't taken any action on objecting to the proposed annexations. That is not something they have discussed. It was merely, let's ask the City if they would consider waiting until after they can sit down and talk before they take action. But certainly she doesn't want them all to interpret this as the County intends to proceed with an appeal or objection to the annexations should they be approved.

Mayor Benton said he thinks if they were to give a copy of those Minutes from that meeting (on February 20, 2004) to the two new County Commissioners so they can understand the intent that wasn't put in the Interlocal Agreement, he thinks they would understand it a little bit more.

Commissioner Becht said they are deferring until December 31st.

Commissioner Coke said the County is looking for the City to postpone this for the purpose of these properties to be included in the Joint Planning Agreement. Even if they are annexed as part of the City, that is not going to preclude them from being part of those discussions.

Ms. Young said that is true.

Commissioner Coke said it is her understanding the Joint Planning Agreement, they were going to discuss what was going to mutually benefit the City and the County as far as development and future land use in properties that were not necessarily right on the City or the County line but closely adjoining, so they would match the code and the future plans of the County that the City could follow suit or if the City wanted to put something like a garden here that the County wouldn't build an industrial park next to it.

Ms. Young said she thinks that is the intent, to have coordination.

Commissioner Coke said so it really doesn't matter whose limits that property is in. They can still discuss the property at the Joint Planning Agreement meeting.

Ms. Young said she thinks the Board's whole idea was, let's just wait until they can do that. But again, she just wants to make it clear that the County is not objecting to the action. The Board did not have that before them to consider when they voted to send the letter requesting the deferral.

Commissioner Nelson said the County recently had a discussion on this subject and he reviewed the tape on it last week. He sensed from that, coupled with the meeting they had in the joint meeting, a sense of cooperation; and he did not sense any shenanigans on the part of the intent of the County except to try to work in a cooperative spirit with the City in this effort. One of the key things was in the area of the Joint Planning Agreement consummation and of course allowing the proper zoning and land use. Again, just from his two or three years of experience in diplomacy and dealing with people and all this stuff, he just thinks the right thing to do is back off a little bit and wait. They are not going to do anything between now and the end of the year or the end of next month anyhow. And it would allow these people to do what they have to do to ensure they lock in this effort with those developers out there.

Motion was made by Commissioner Nelson, to postpone this effort until the second meeting in January 2005.

MOTION DIED FOR LACK OF SECOND.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance Nos. K-306, K-307, K-308, K-309, and K-310 be amended to change the effective date to December 31, 2004; and that Ordinance Nos. K-306, K-307, K-308, K-309, and K-310, as amended, be passed on second and final reading.

Those voting in favor of the passage of Ordinance Nos. K-306, K-307, K-308, K-309, and K-310, as amended on second and final reading, were: Commissioners Becht, Coke, and Benton. Those opposed: Commissioners Alexander and Nelson.

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Ordinance No. K-312 entitled, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING SECTION 14(2) OF THE CITY CHARTER ENTITLED "**BORROW MONEY**" BY PROVIDING FOR AN INCREASED DEBT LIMIT NOT EXCEEDING \$67 MILLION; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE." was placed on second and final reading by title only.

Mayor Benton declared a Public Hearing on Ordinance No. K-312 in session and asked if anyone in the audience wished to be heard.

Seeing no one and hearing no one wishing to be heard, Mayor Benton declared the Public Hearing closed.

Commissioner Coke said to the best of her recollection - and believe her, her recollection isn't too good these days - but it seems to her they had discussed putting something in this ordinance that it would be reviewed at the time that \$15 million line of credit was no longer necessary, to be reduced that amount. She sees nothing in this ordinance.

Mayor Benton asked would Mr. Schwerer like to address that one? He knows they talked about it and all agreed to it.

City Clerk Steele said if she can answer that, the ordinance itself was not amended. She believes the City Manager explained that he would be bringing that back at the time it was no longer needed, because the amounts would change as they went down during the year.

City Manager Beach said yes, they accepted that as direction from the City Commission. That would be part of this overall proposal and that would be the intent of staff.

Commissioner Coke said okay.

Motion was made by Commissioner Coke, seconded by Commissioner Becht, that Ordinance No. K-312 be passed on second and final reading.

Those voting in favor of the passage of Ordinance No. K-312 on second and final reading were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the Agenda was Ms. Jody Bonet, Transit Manager, St. Lucie County Community Services to present update on the Transit Municipal Services Taxing Unit and goals for 2005.

**Ms. Jody Bonet**, St. Lucie County Transit Manager, said she will give them a brief update on the Transit MSTU and the goals for 2005. The 2004 election marked a historic date within the transit community. Over thirty-one initiatives totaling \$55 billion was at stake in November 2004 in seventeen states. Twenty-four of those initiatives passed in favor of transit. Earlier in 2004, eighteen additional initiatives passed in favor of transit. So they weren't the only ones in the country who were helping to support transit. A history of transit in St. Lucie County, in 1992 they received funds from the State that allocated funds to assist with the transportation disadvantaged population. By the year 2000 they were receiving over \$6 million from Federal Transit Administration for operating and capital costs. But in 2002 the U.S. Census Bureau combined Martin County and St. Lucie County. This made them over 200,000 in population and that took away their operating funds from Federal Transit. For that reason, and also because they want to expand their fixed route services, the County and all the jurisdictions agreed on an Interlocal Agreement which was for an MSTU (Municipal Services Taxing Unit) for transit. The maximum mill total would be .25 mills, but in the first three years they were only approved for .09 mills on the property taxes, and this equals to \$6.75 for a person with \$100,000 home and \$25,000 homestead exemption. So basically, \$6.75 they saw on their tax

bill this past time if they had a \$100,000 home. As part of that Interlocal Agreement the County and the Cities approved was to present an annual report on the MSTU to all the Commissioners. In 2002-2003 they collected on the mill \$902,743 across the County. In the City of Fort Pierce community transit, their contractor provided 64,857 trips and the cost of these trips equaled \$772,447. The demand response trip rate is approximately \$11.91. So even though the rider pays \$1.00 or \$.50, the actual cost to do that trip is \$11.91. So from what was collected from the City of Fort Pierce to the MSTU was only \$104,039. So the difference of \$668,408 was made up through a lot of other programs. As they can see overall, the MSTU that was collected at .09 mills didn't really cover the overall County cost of demand response for Port St. Lucie, St. Lucie Village, and within the County. So they had a shortfall of over \$1 million. The shortfall was made up by several other funding programs: Medicaid, Transportation Disadvantaged, fare box, State funds, and Federal funds. Two years ago they started the Treasure Coast Connector. This is the bus that connects the first fixed route that connects from 7th Street and Avenue D and goes all the way down to Martin Memorial. It runs from 7:00 a.m. to 6:00 p.m. It has been solely funded by FDOT for the last couple of years and even this year at \$500,000; but FDOT has informed Council On Aging and Martin County and St. Lucie County - Martin Council on Aging is a joint project with them - that their funding for the Connector is going to be reduced over the next few years. Next year they will receive \$450,000 and then \$400,000 in 2007 and in 2009 they will receive \$300,000; and after that point, both Martin County and St. Lucie County will be responsible for keeping the Connector going.

City Manager Beach asked what is the ridership of the Treasure Coast Connector?

Ms. Bonet said the ridership has been increasing constantly at all of their stops. She apologizes for not having the exact figures.

City Manager Beach said that is okay. If she would provide that, it would be helpful.

Ms. Bonet said she would be glad to provide that. She had made a note to bring that. It has been gradually increasing, minus the slowdown for the hurricane. Starting in January, there is going to be two new additional routes in Fort Pierce. One is a kind of a residential route. All three routes will begin at 7th Street and Avenue D. This one route will go up 7th Street all the way up to Juanita Avenue to Angle Road and around back down to Avenue D; and this will also connect with Bus Route 3 which is more of a business route that will take people all the way out along Delaware Avenue, Orange Avenue, Virginia Avenue, and all the way out to the Crossroads, out where a lot of businesses and hotels are. They are hoping this will help increase the ridership on all the routes and these people will be able to connect with the Connector and go down to Martin Memorial or anywhere else. These routes here are paid through the FDOT Service Development Grant. They are receiving 50% funding for these two routes in Fort Pierce. Also they are receiving 50% funding of a zoned demand response route in Port St. Lucie. And they can always apply for these Service Development Grants from FDOT, which is giving 50% start-up cost for three years; and then they are obligated to cover the cost themselves. As they all know, portable transportation is important for economic development - to get people to jobs, to work, for the tourist industry. So the question is, how do they keep increasing transit

service to benefit their residents? They could possibly increase the millage. They could begin advertising on busses. There is talk about maybe some of the riders saying they wouldn't mind paying a little extra. They could increase ridership by adding benches, shelters, and longer service hours. And also they are going to be researching successful ideas from other communities. Right now, they haven't come to any decision on how they are going to increase funding for this. This is just some ideas that they will be looking for in the future.

Mayor Benton asked couldn't they just adjust the route a block every three years so they can continue getting the funding? It is using their word against them, but they are going to have to get a little imaginative here.

Ms. Bonet said right, they try to get creative in their funding requests. They are hoping that riders will pick up. She did check with Darrell Drummond today; and even if they had full buses, that really only covers about 3% of the operating cost. So it is one of these things, they have to just measure all the added benefits from it - they are getting people to work, they have dependable transportation, and all of these other issues that they have to consider when they have transit service. One way to attract more riders and to add more attention to their buses is to put out benches which would help their riders. They have decided working with the Cultural Affairs Council is to get these heavy duty concrete benches that can withstand hurricane force winds, now that they know how important that is, and then to make them artistic or do some mosaic art on them which will help attract attention to the benches and also be less likely to have graffiti and other vandals to hurt them. So that is their first step is to get the benches out. Concrete benches are on order and should be delivered within a month and the artists will start working on them and they will have them out as soon as possible. Another way to increase ridership is to put up shelters. There are basic shelters; and then even more advanced shelters that have the benches and the schedules, signage, and such; and a premium type shelter, and that is like a transfer station and larger facilities like park-and-ride lots. They have recently received a grant from FDOT for an intermodal site at Avenue D and 8th Street. Right now the County Community Services office is at 7th Street and Avenue D. And all three routes are going to be meeting there as of the beginning of January, it will be quite congested; so there is that extra parcel of land that runs along Moore's Creek and Avenue D and 8th Street. They are looking at using intermodal grants and the coming to the CRA to request possibly 50% funding to help with this - to expand their overnight bus parking area, to put a park-and-ride area, and have it attached to Moore's Creek - so the three buses can meet right there. Those three routes will come together at the same time and have shelters and restrooms. And starting in 2005 they will be updating their Transit Development Plan. This is when they want the public and the government agencies to work together on a long range transit plan. This includes new fixed routes, transfer, park-and-ride lots, funding options. And the St. Lucie MPO will notify everyone of the proposed public meetings. They are really hoping to get a lot of buy-in on this because this is the future and this is where they will be looking at the long term funding options and really how they can get people to work or get people to school or whatever, because it is expensive. They found out for the elderly and the youth and everyone else to maintain cars, it is a moving target with gasoline prices and everything. So they are hoping the County and the Cities can work together and come up with

a great plan for their future. Thanks for allowing her to speak. She looks forward to working with them all in 2005. And she will be sure to get that information to them on the ridership. She does want to meet with them all on looking at what kind of shelter they want to put out front. She was supposed to go down and check with West Palm Beach and other sites, but she has just been very busy with the hurricane recovery, so that is on the top of her list too.

Commissioner Nelson said she talks about the facilities at 7th Street and Avenue D and 8th Street and Avenue D. What is she doing on the beach area to get those people? Any type of area over there that is going to act as a terminus for people gathering and collecting over there?

Ms. Bonet said that could be in the future part of the transit plan. It seems it really would help with their tourists and also even people getting to work and stuff. So that would be something they would need to include. It is not in the current transit plan. These sites, these current routes were included. So they really need to come together and make that as part of the transit development plan in 2005 and then they can have it included. Then they can seek grant funding for that.

Commissioner Nelson asked does she contemplate 7th Street and Avenue D and 8th Street and Avenue D, and she is bracketing, congesting in a sense, the fire station at that location? Have they looked at that as to appropriateness and compatibility in that area?

Ms. Bonet said right. Maybe they could come in on 8th Street and not really be on Avenue D until they are loaded and ready to pull out.

Commissioner Nelson said he would encourage her to talk with the City Planning Department and of course their Fire Department for compatibility in that area, because they don't need people running over each other. Fire trucks don't stop.

Ms. Bonet said right, to make sure they have plenty of visibility so they can pull out. They will consider that. They definitely are going to consider there are some beautiful oak trees and some pine trees on that site. They will consider fitting that into the design.

Commissioner Alexander said just to echo what Commissioner Nelson is speaking about, downtown and the beach area. They spoke about a trolley car before, did they not?

Commissioner Coke said yes, they did.

Commissioner Alexander asked can they incorporate that either into that or see if they can piggyback with them or do it on their own as the City of Fort Pierce?

Commissioner Coke said especially now since they are going to be under construction with the parking garage. They are going to need a way to get people moving around.

Commissioner Alexander said maybe they ought to send that out to staff and see if they can conjure up a trolley car.

Commissioner Coke said she thinks Mr. Beach was looking into that already. They talked to him about that last year.

Ms. Bonet said they have talked about it. They heard a little about wanting something within the CRA area, a trolley. And they did initially apply to FDOT for funding for that as well as for the Port St. Lucie CRA. But then they said if they give them this now, they won't be able to help them with their east/west routes that they are just getting started. So at the Council On Aging everyone decided it was best to get the fixed east/west routes up and running this year, and then apply again next year for that. But the CRA may be able to match that. Also they did receive another intermodal grant for the new courthouse area that will help be a hub too for transfer facilities. So they are thinking. They just need the City to be part of the Transit Development Plan update.

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The next item on the Agenda was Ms. Margaret Benton, Chairperson, Dr. Martin Luther King, Jr. Commemorative Committee of St. Lucie County, request: (a) Security for the Commemorative Activities; and (2) Advertising Funds.

**Ms. Margaret Benton** said she is pleased to be before them in reference to Dr. Martin Luther King Commemorative Committee and the celebration. She provided to the Commission a handout which gives them a little bit of history and details specifically the events they will be having. One of the concerns they always come to the City with this matter as well as the County, they come with reference to the security needs for their events. Some of the bigger events require additional security, more than what would ordinarily be provided. For example, at the schools the Resource Officers typically handle the school events. But they are asking the City's involvement with regard to the Candlelight March, the Grand Parade, the Greek Step Show, the Battle of the Bands, and the Festival in the Park & Health Fair. Those events will entail quite a number of people. In the materials she provided is some information based upon history with regard to the numbers of security officers they have needed in the past. They aren't going to have the carnival this year and they are not going to have the huge entertainment that they had last year, so some of these needs may be a little less. They will be having entertainment, they will be having a huge Festival in the Park. So just based upon that they would like to ask the City to assist them where it can with regard to their security needs. Also, they have asked for some advertising funds, specifically for \$2,000. They do expect they will be seeking public service announcements, because they are basically a non-profit charity. They would need some additional funds as well.

Mayor Benton said they do have a request for \$2,000 for advertising.

Motion was made by Commissioner Alexander, seconded by Commissioner Becht, to approve \$2,000 for the Dr. Martin Luther King Commemorative Committee for advertising.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said as far as helping out with law enforcement, he is sure they will do whatever they can, right?

Chief of Police Eugene Savage said yes, they have it covered.

Commissioner Alexander said if he may comment on this, just to make it easy for Mr. Beach every year. They have to come before him for this Martin Luther King event, is there some way or other they could make this a line item, so at budget time they don't have to go through this every year? It seems like the Martin Luther King Commemorative Committee has to come before the City and request this every year and request every year. If they are going to do it, are they going to promote that?

City Manager Beach said if the Commission authorizes that, yes - that can be done.

Commissioner Alexander asked wouldn't that be a good idea on behalf of this?

Commissioner Nelson said in this, Chief Savage seemed to take on very heartedly the security aspect of this thing. Last year they had it directed to be done out of his hide more or less. He thinks they need to go ahead and put it in as a line item too and make sure he doesn't have to take too much out of his hide.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, that support for the Dr. Martin Luther King, Jr. commemorative activities be a line item in the budget for next year.

Commissioner Coke said just a suggestion. Since this is actually something that the entire County will participate in, she is assuming that the Sheriff's Department is offering assistance also? They have a lot more money than the City does.

Ms. Benton said yes, that is correct. As a matter of fact, today she spoke with one of the sergeants there. Typically every year they do and they do have to go directly to the Sheriff, not the Board. But they do ask for their assistance as well.

Commissioner Coke said good.

Mayor Benton said last year he thinks they have done very well. He sees a lot of police officers out there during the parade and a lot of the other functions. So he is sure they will do what they can do.

Commissioner Alexander said in looking at the amount of officers, he is just asking a question, not being facetious. Why the use of dogs?

Mayor Benton said that is up to the Chief.

Commissioner Alexander said he is just asking a question now. He is not opening up no gates. He just wanted to know why the use of dogs?

Chief Savage said he doesn't know why they use dogs unless it is for demonstration purposes. But they do not use dogs for crowd control. That is against policy, period. Maybe what he might have seen was K-9 officers, if they use their K-9 officers; but they do not use the dogs for any type of crowd control.

Commissioner Alexander said excellent. He just saw it on the list of requests and it did list dogs included in that.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item on the agenda was Rev. Harry Shaw, Afro-Council of Ministers, request financial support in the amount of \$1,000 for the **Pre-Christmas Dinner for the Needy** to be held on December 23, 2004, on 9th Street between Avenue D and Avenue E.

**Reverend Harry Shaw** said they are on December 23rd going to be having their usual dinner during this time and they are asking for - he is asking for the Afro-Council of Ministers - for additional funds to help them out, because he would like to see other things happening during their event and they need the City's support to help them out in this area. Some of the things he would like to do is various toys for the kids and do some things for the senior citizens, because they always seem to overlook their senior citizens and he would like to do something for their senior citizens. Also on that particular day, he is going to be giving away twelve boxes of food to the needy or someone, and he is going to be doing that through the Weed & Seed Program. He did that last year and also will be doing it this year, because he is sending some of his members out to do some shopping tomorrow for this. And also they are going to be giving gift certificates to the first 25 senior citizens who come through to this event. They also want to invite each and every one of the Commissioners out to this event that has been going on for now he thinks about 22 years they have been doing this. They are asking for the City's support in this event. Also, he wants to thank Mr. Beach for waiving their fees before they really got things going. And he appreciates whatever the City does for them on this event.

Mayor Benton asked how many years has this been?

Reverend Shaw said 22 or maybe 23 years; and he thinks this is the first time they ever asked the City for any support. He thinks it is about time they asked for it. At this time he wants to commend Commissioner Alexander for the event he had on Saturday. It was so nice to see so many kids out receiving gifts from a program he guesses he and his committee put together on Saturday afternoon. And this is the thing they like to see happening in their community, positive things in their community. This is what they are doing, it is going to be a very positive thing and ongoing thing in this community. Again, they would like the Commission's support to help them out in this event.

Assistant City Attorney Schwerer said a question was asked at staff meeting this morning concerning this agenda item - he had just seen it when he got the agenda - that he wasn't able to answer. Maybe the Reverend can help him out. He was asked to evaluate the request as to whether it falls within the policy. Because this is the first time request, as the Reverend said, of the Commission. This organization has not been before them for any other issues. The legal requirements are that they have to have a recognized 501(c)(3) corporation. If they have one, then they need to have the request made by that organization. The second request or second prong of the legal test is that they have to have a method, before municipal funds can be expended, to verify the expenditure of the funds for a stated public purpose. Normally the way they do that is, if they are contributing to a 501(c)(3) function for advertising, whenever they get the bills then they pay those bills through some verified process. They just can't turn the money over. So if Reverend Shaw can get them information that shows they

are a state and federally legally recognized 501(c)(3) and also provide the Finance Director with some way of verifying that expenditure, then that would pass those two legal tests.

Mayor Benton asked the last time they helped out at Christmas time, that was with the Soldiers Against Crime?

Reverend Shaw said that was Soldiers Against Crime. And that is something they are going to start back up next year, they are going to plan on getting that organization back up and going again. This is something that the Afro-Council of Ministers has been doing for 22 years and they just would love to see it better.

Commissioner Nelson asked were the Soldiers Against Crime a 501(c)(3)?

Reverend Shaw said he doesn't think s.

Assistant City Attorney Schwerer said he thought they were at the time, but he doesn't know. They just need to have a 501(c)(3) organization as the recipient of the public funds or another public entity or school for instance. But when they are dealing with this kind of request, they have to have a 501(c)(3) corporation, validly existing and filed.

Commissioner Nelson said the City Attorney is opening up a can of worms. They have in the past given out these monies to, he is sure, organizations that were not 501(c)(3). He recognizes because they did it wrong in the past that they should not continue to do it. Under the circumstances they have right now with the hurricanes and the depression these people are going through, it just might be to the public good to go ahead and give these people the \$1,000 and wish them a Merry Christmas, because it is a good thing that is going to serve some public good.

Commissioner Coke asked doesn't Reverend Shaw have an affiliation with a 501(c)(3) that he could provide the City with? There must be another organization within the community he could affiliate himself with.

Commissioner Nelson said he thinks they are affiliated with the Church of Reverend Lawrence that is under 501(c)(3).

**Reverend Robert Lawrence**, Zion Hope Missionary Baptist Church, said out of the 22 years they haven't worried anybody about anything like finance. But this time they had to go through a whole lot and a lot of people need to be fed.

Mayor Benton said it is a very tough year for a lot of people.

Commissioner Nelson asked but his church is a 501(c)(3) organization, is that right? They have tax exemption and all that?

Reverend Lawrence said yes.

Commissioner Nelson asked why don't they put this in the name of his church. Is he a part of the group too?

Reverend Lawrence said right.

Reverend Shaw said he is the President of the Afro-Council of Ministers.

Motion was made by Commissioner Nelson, seconded by Commissioner Alexander, to allocate \$1,000 to Zion Hope Missionary Baptist Church to be used for the Pre-Christmas Dinner for the Needy to be held on December 23, 2004, on 9th Street between Avenue D and Avenue E.

Commissioner Alexander said he just wanted to let Reverend Shaw and Reverend Lawrence know they can come by his office tomorrow and pick up his check for this too.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

Mayor Benton said Reverend Shaw will go through the church and that way get all the little technicalities taken care of.

Reverend Shaw said they may try to do something to make sure they have something next year when they come before the Commission.

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The next items on the Agenda were Requests by individuals to rescind Code Enforcement Board fines or liens.

City Clerk Steele said this is a series of requests by various individuals to rescind Code Enforcement Board liens against different properties. Do they want to act on these as a group? If they do, if they would just state the number of months that they would be allowed to pay these. Only one of the applicants specified a number of months, which was six months, and it seemed reasonable.

Commissioner Coke said let's go with six months for all of them.

Commissioner Alexander said six months for all of them.

Commissioner Becht said he doesn't have a problem with six months for all of them. But he would like to pull one - Florida Sun Cement Company, Inc. - out of that batch for discussion.

Motion was made by Commissioner Alexander, seconded by Commissioner Coke, to approve the following:

Request by Jerry & Marianne Smith to rescind Code Enforcement Board lien of \$75,900 against 604 North 18th Street upon payment of administrative costs of \$523.99 within six months.

Request by Glenn Martin to rescind Code Enforcement Board Lien of \$16,600 against 607 South 17th Street upon payment of administrative costs of \$600.00 within six months.

Request by Jeronimo Barajas & Josefina Barajas to rescind Code Enforcement Board Lien of \$74,500 against 314 North 12th Street upon payment of administrative costs of \$520.86 within six months.

Request by Earle Craft to rescind Code Enforcement Board lien of \$47,000 against 1703 Miami Court upon payment of administrative costs of \$600.00 within six months.

Request by Willie & Ruth Ann Johnson to rescind Code Enforcement Board lien of \$8,100 against 1608 North 16th Court upon payment of administrative costs of \$495.58 within six months.

Request by Gladys Schenck to rescind Code Enforcement Board lien of \$45,300 against 1501 North 29th Street upon payment of administrative costs of \$404.68 within six months.

Request by Beverly Prince to rescind Code Enforcement Board lien of \$62,600 against 1022 Avenue H upon payment of Administrative costs of \$472.44 within six months.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

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The next item considered was Request by Florida Sun Cement Company, Inc. to rescind Code Enforcement Board lien of \$18,700 against 1101 Harbor Street upon payment of administrative costs in the amount of \$606.60.

Commissioner Becht said the reason he asked for this to be pulled out of the previous batch is, since he has come on board they kind of adopted a laissez faire attitude with these waivers. This one, he thinks is different. It is not a home. It is not somebody who was trying to fix up their own home or help the community. This appears, as he is reading the notes, to be a case where a large corporation with great arrogance said they are not going to put up a fence, he thinks it was. He just thinks this is different than what they are used to dealing with. He thought they should look at it a little bit differently.

Commissioner Alexander said absolutely.

Mayor Benton said he would agree.

**Mr. Lee Dobbins** said he is here representing the arrogant corporation. CEMEX, Inc. is the successor-in-interest of Florida Sun Cement Company, Inc. What happened was, this was a problem with mailing. The address that was with the County records was not the current address because CEMEX bought out Florida Sun and there is no longer an office there. So the records haven't been updated at the County yet. A notice went to the County. They had the usual 30 days to correct it. They never got the notice. They found out about it when they realized there was a lien on their property because they got a title search. Once they found out about that, they corrected it within 26 days. It is his understanding it was a problem with a fence and there was also some floats that were stored on the property. It was staff's recommendation that based on the fact that they did get the thing fixed quickly, once they realized there was an issue there, that the lien be dropped. And staff is recommending that CEMEX, Inc. simply pay the actual out of pocket costs to the City and that is what CEMEX is prepared to do.

Commissioner Alexander asked is he saying there was no communication between him and City's Community Response?

Mr. Dobbins said that is correct. CEMEX did not receive the notices. Once they found out there was a problem, they corrected it immediately.

Commissioner Alexander asked did the City have the wrong address?

Mr. Dobbins said the way the notices are done is it is based on what is in the County property records. That was probably an

address for when the property was originally bought, he is not sure; but that office was closed when CEMEX took over Florida Sun Cement. CEMEX is an out of state entity and hadn't fixed it in the records yet. But that is something that happened.

Commissioner Alexander said unless he is misunderstanding, he thought the City staff locates the land owner or property owners. It was not done? They have no one here?

Mayor Benton asked how long has it been since this property changed hands?

Mr. Dobbins said he doesn't know the date when it changed hands.

Mayor Benton said the City still has in the records, Florida Sun. Is that who owns the property?

Mr. Dobbins said it has now been corrected in the County records from what he understands, but they only update the tax rolls once a year. Even if they told the County to update it, it can be months after the fact and it will still reflect the same address in the records. He has been told by staff that is an issue that happens a lot with the notices. That is why they routinely drop these issues when it is an issue of notice like that.

Assistant City Attorney Schwerer said in this case, he thinks it was one company acquiring the other. Isn't that right?

Mr. Dobbins said that is his understanding.

Assistant City Attorney Schwerer said so there is no correction. In other words, they bought the whole corporation. They are successor by merger. So the staff had the correct address.

Mayor Benton said just a different name on the title, that is all.

Commissioner Coke asked don't they go out and post a notice on the property when there is a violation? So it is not a matter of the people who are working for this company weren't aware of the fact there was a violation.

City Manager Beach said he doesn't believe they post properties, do they?

Mr. John Alcorn, Director of Building & Community Response, said in many cases they do; but in this case, on a fence issue, probably not.

Mayor Benton said he has seen notices and they have some up for public nuisances now.

Mr. Alcorn said yes, they do post properties in certain cases. This being a fence issue, they would normally not post the property for a fence issue.

Mayor Benton said he knows this site was cited for several reasons, because he and Mr. Beach rode by there and this was probably from one of their ride-by's, because there were several problems with this site. He would hope that any agreement they make here today is conditioned upon the new owners or the new company maintain this site. Because the last owners would call him about once a year and ask him to go over there and clean the place up. They didn't care

how it was taken care of. That is his resentment here, it looked like a junk yard for years; and that probably will still continue if...

Commissioner Coke said the rest of her question is, did they get return notices or receipts back, that they had served this company properly?

Mr. Alcorn said he doesn't know the answer to that on this particular one at this time.

Commissioner Coke asked does Mr. Beach know that answer?

City Manager Beach said he does not know that answer.

Commissioner Alexander said he just thinks businesses coming into this City of Fort Pierce ought to know ahead of time that they don't just come in and dirty the City and expect no repercussion.

Mayor Benton said his understanding with this business, they don't plan on doing business here for some time. They bought the facility. He knows Lloyd Bell had tried to use the facility and he was told he would not be able to for a period of years. So he thinks this place is going to be vacant for some time. That is why he had said that any agreement here be conditioned that they maintain that property or somehow they go back to the original amount. Because he just sees that thing as an eyesore for many years to come unless they get some kind of conditions on it.

Commissioner Alexander asked is there something they can do maybe have them place some type of bond on it?

Assistant City Attorney Schwerer said let him ask a question of the counsel. Is there any intent to sell this property in the near future?

Mr. Dobbins said he doesn't know what their intentions are, to be honest.

Assistant City Attorney Schwerer said rather than go through the complicated bond, if they wish to place a condition on this, they can simply say that at the end of a certain period, six months or a year, if the property has been maintained in accordance of all codes, they will release the lien at that time for payment of the administrative cost. They could simply do that to avoid having to go through a bond posting. That would be permissible as well and they set the time frame.

Commissioner Coke asked can they specify until the business is up and operative again?

Assistant City Attorney Schwerer said he would rather see a time frame because that may be a number of years down the road.

Mayor Benton said right, but he would hate to see it go six months.

Commissioner Coke said that is what she is saying because she doesn't want to release the lien if they are going to maintain the property for six months, but it is not going to be open for business for five years, and for four and a half years they are going to get junk.

Mr. Dobbins asked would it be possible to give the new owners a chance? Because remember, what they are talking about are problems that were from a prior entity. This was not CEMEX, Inc. that even was the owner of the property when the lien was placed on it.

Commissioner Coke said she understands that. But she also understands when they bought it, they did a title search; and if the lien was already against it, they were made aware of it. And she is sure at some point in time Code Enforcement came around.

Commissioner Alexander said buyer beware.

Commissioner Coke said Code Enforcement would be around talking to people or something. When they get a little old lady who can't paint her house, they tend to have a little more compassion, than for a company that is not operating in the City. It is their home too. They don't want to see it messed up.

Mayor Benton said if they just bought them out, they can afford it. But this is one of those sites where there was no maintenance to the landscaping, the irrigation system is falling apart, so it basically just looks like... And he thinks it is time they would be required to upgrade the site a little bit.

Commissioner Coke said she would like to see the Commission rescind the fine upon payment of the administrative fee, but leave the lien on until the property is up and operative and brought up to Code as far as landscaping and all those other good things. That is what she would like.

Commissioner Becht asked what is the time period they are talking about?

Commissioner Coke said until the business reopens.

Commissioner Alexander said they could put a year.

Commissioner Coke said they have absentee landlords here that might let the property sit vacant for five years and the grass grow and debris accumulate. And where does that leave the City? Starting from scratch.

Mr. Dobbins asked could they clarify that? Are they saying there are other code issues? Or are they are saying until it is brought up to code? Are there other items that need to be brought up to code?

Commissioner Coke said the Mayor was just talking about landscape things and that the irrigation system there is not working and the landscape is dead and that sort of thing.

Mr. Dobbins said in other words, to bring it up to meet the new City codes.

Mayor Benton said to the original codes when it was opened up by Roger Charles years ago. It had landscaping and all. Everything fell through and it has been sitting that way for eight years.

Commissioner Becht asked is that what they are talking about? Or were they talking about putting them on probation for a year; and if they mess up during the next year then the fine stays on? What are they talking about?

Mayor Benton said originally they bought into a business over there that was going to look appropriate; and it has looked like a junk yard for years. The irrigation system doesn't work. The last time he looked, the landscaping was half dead and way overgrown. About twice a year Code Enforcement would ride over there and have to send out warnings and only then would they go in and clean it up once and that was it. There is no reason why it can't be maintained. They can hire a firm to go in to do that.

Commissioner Coke said let's say that the property be maintained at an acceptable level for period of 18 months. At that time they will release the lien.

Assistant City Attorney Schwerer asked can he clarify that? Let him just suggest a simplified way. They have an 18 month time frame. During that 18 months this property owner is going to be required to maintain the property according to code which includes maintenance of the landscaping or restoration of the required landscaping by properly irrigating it, so they will put that in there. According to code, including proper landscaping and maintenance of that landscaping, and maintaining the property according to all City codes for a period of 18 months; and at the end of that 18 months, the City will then release the lien that is on the property conditioned upon payment of the administrative cost.

Commissioner Becht said he couldn't have said it better himself.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to require the property owner to maintain the property at 1101 Harbor Street according to all City codes, which includes restoration and maintenance of the landscaping and irrigation system, for a period of 18 months; and at the end of 18 months, the lien will be rescinded upon payment of the administrative costs in the amount of \$606.60.

Mayor Benton said he thinks Mr. Dobbins understands what they are trying to do because that area gets a lot of attention now and it is just one more they would like to clean up. Normally they don't have the ability, other than trying to catch up with these folks; but now they have a grip on it and maybe they can get it cleaned up.

Mr. Dobbins said right.

Commissioner Coke said they know where to find Mr. Dobbins.

Mr. Dobbins said that is true. He doesn't think they are going to have any problems with that.

Those voting in favor of the motion were: Commissioners Alexander, Becht, Coke, Nelson, and Benton. Those opposed: None.

City Clerk Steele said Mr. Dobbins has a check for the administrative fees here. Should they accept it; or tell him to wait until the 18 months are up?

Assistant City Attorney Schwerer said he can tender it now if he wants to.

Mr. Dobbins asked they should go ahead and pay the administrative fee now, correct?

Commissioner Coke said that would be great.

Assistant City Attorney Schwerer said he can do it in advance or withhold it for 18 months. It is his choice.

Mr. Dobbins said they will just go ahead and pay that.

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The next item on the Agenda was Request by Thomas Christian for waiver of Interest, Penalties, & Fees against 1109, 1111. & 1113 Orange Avenue upon payment of Demolition Liens and Lot Clearing Liens.

Commissioner Alexander asked do they want to separate these or are they going to put a time period on them?

Mayor Benton said that is up to the Commission.

**Mr. Thomas Christian**, 1215 South 11th Street, said they (in his individual capacity and as agent for Slippery Dolphin, LLC) own numerous properties and have owned properties on Hutchinson Island and on U.S. #1. They are in the process where they just over the last eight months or so bought numerous properties on Orange Avenue. These properties are part of an assemblage they are doing on Orange Avenue. With respect to 1109 and 1111 Orange Avenue, they bought those at a tax deed sale and there was an overbid, or their bid amount was \$4,663 over the tax amount, so that amount was applied to some liens that were then in existence. And their request was to abate the interest and fees and penalties and whatnot on those liens too. So the total amount on 1109 and 1111 Orange Avenue properties was around \$4,000 including the liens that had been paid. In other words, they have applied some of that payment that went towards fees and interest and whatnot on the paid-off liens to waive those and apply that payment to the demolition lien.

Mayor Benton asked he is looking that they waive this to what amount?

Mr. Christian said it is probably a few dollars under \$4,000. He has sort of a computation of it.

Commissioner Nelson said he doesn't quite understand that now. They are talking about the total amount that can be waived is \$2,541.38. Any time they expend public funds with hard money going out, they have to get hard money coming back.

Mr. Christian said he understands that. The \$2,500 he believes is just on the one lien that is still outstanding. They paid through an overbid on the tax deed sale, they paid \$4,600 toward this and other liens; and they would like the interest and fees abated on the liens that got paid off which are not shown here.

City Manager Beach said he is not sure the Commission can take any action on what is not in front of them.

Mr. Christian said that was their request as transmitted to the City was to abate the liens that were paid off too.

Commissioner Alexander said he would recommend they table this item to go back to staff and bring it back to the Commission.

City Manager Beach said they would be happy to research this further. Clearly the intent here is for them to pay off whatever liens are of record based on actual expenses incurred by the City on those liens, so they will have to try to figure out exactly what he is making reference to.

Mr. Christian said let's go on for just a minute. They may want to go ahead because there are substantial reasons on his part to try to get this done before the end of the year.

Mayor Benton asked is he trying to sell the property again?

Mr. Christian said no, they are not trying to sell it; but for some of these dollars they are using "ten thirty-one" exchange monies and their expenditure period runs out on 12/31/04. So they may want to go ahead and pay these and then reapply or something. With respect to the 1113 Orange Avenue property, it is obviously contiguous with the other two, that is one of the five parcels they are trying to assemble starting with what was the Rogers Construction, Inc. property. This property they bought from the County in a surplus property sale that they actually bid on in July, and he thinks the bids were due on July 21st. And after the County received bids on this and twelve other properties, they decided they didn't want to sell them. In fact, he thinks they had actually decided that before they put the bid packages out. So they had a lot of discussion back and forth. They wanted to put all these properties into their SHIP Program.

Mayor Benton said he is getting confused.

Mr. Christian said he is getting to the point of it. A lot of discussion ensued and there was public testimony and whatnot. And the public testimony, in essence, exposed their efforts to do this property assemblage. So one of the other properties at 1117 Orange Avenue, that they are in the processes of hopefully closing on this month too, ended up costing them about \$50,000 more because of the public knowledge of their assemblage. So part of the reason for bringing that up is that is all the more reason that they are seeking these abatements. But with respect to the 1113 Orange Avenue property, which again they want to close on before December 31st, their request also included the code enforcement lien that is on that property in the amount of \$56,500, and he was told that was going to be on the agenda. In fact, that is why he came specifically from Michigan today to be at this meeting. It was really more for that item than for the other two that are in front of them here.

Mayor Benton asked they are talking about, this is for 1113 Orange Avenue, and he says there is \$56,500 worth of liens?

Mr. Christian said over and above what is talked about here, there is a \$56,500 code enforcement lien which was a punitive...

City Manager Beach said again, they are talking about a piece of property that is not in front of the Commission.

Mr. Christian said the property is, 1113 Orange Avenue.

Mayor Benton said they see \$6,000 here, they don't see \$56,500, so it is hard for them to make any kind of decision when they don't have what appears to be the facts.

Commissioner Coke said if they read further on in the package, there is a memorandum to Dennis Beach that does request to rescind the lien of \$56,500 and the administrative costs are \$417.37.

Commissioner Alexander asked where is she at?

Commissioner Coke said it is about six pages down in there, there is a December 10th memo.

City Manager Beach said this one is not on their regular agenda.

Commissioner Coke said what they have is pertinent information here from staff that the lien is \$56,500 and the administrative cost is \$417.37. Considering this gentleman is looking to make an investment in the neighborhood, she really doesn't want to go back and look at anything he has already paid or anything else.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, to waive \$2,541.38 in interest, penalties, and fees against 1109 & 1111 Orange Avenue upon payment of demolition liens in the amount of \$17,999.90 in 30 days; and to waive \$2,133.30 in interest, penalties, and fees against 1113 Orange Avenue upon payment of demolition liens and lot clearing liens in the amount of \$6,292.45 in 30 days; and to rescind the Code Enforcement Board fine and lien in the amount of \$56,500 against 1113 Orange Avenue upon payment of the administrative costs in the amount of \$417.37 in 30 days.

Commissioner Nelson asked did they stipulate when those payments are going to be made?

Commissioner Alexander said he understands they are going to settle it by December 31st.

Mr. Christian said they would like to pay them by December 31st.

Commissioner Coke said she thinks she said 30 days in case they have a problem.

Mr. Christian said okay.

Commissioner Becht asked could somebody summarize the motion?

City Clerk Steele said she is assuming that Commissioner Coke's motion was to approve the Agenda items as presented, and then to also approve the request - the one that was left off the agenda because it was paper-clipped to the back - to forgive the code enforcement lien of \$56,500 against 1113 Orange Avenue upon payment of administrative cost.

Commissioner Coke said yes.

Mr. Christian said that would be waiving all the fines that were accrued on top of it at \$500 a day.

Commissioner Coke said they would waive \$2,133.30 when he pays the \$6,292.45. They are going to waive the \$56,500 when he pays the \$417.37. They are going to waive the \$2,541.38 when he pays the \$17,999.90.

Mr. Christian said that is right.

Those voting in favor of the motion were: Commissioners Alexander, Coke, Nelson, and Benton. Those opposed: Commissioner Becht.

Mayor Benton said hopefully that will get it straightened out.

Mr. Christian asked when will he be able to get a copy of the minutes or whatever?

Mayor Benton said he should call City Clerk's Office.

City Clerk Steele said late next week.

Mr. Christian said he is only asking because he knows the attorneys are going to ask him.

City Manager Beach said they can provide him some sort of verification of this Commission action. Ask his attorney what he needs and the City staff will provide that for him.

Mr. Christian said he thanks them very much.

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**Mr. Glenn Martin** asked may he speak about Agenda Items 18(b) through 18(h) - Rescinding **Code Enforcement Board liens**?

Mayor Benton said he believes they have already addressed those items.

Mr. Martin said they are not too sure of the results of that.

City Clerk Steele said as it reads on the Agenda, it was approved.

Mayor Benton said come on up and they will try to explain it, but basically...

Mr. Martin said he just wants to clarify it, because they are all looking at each other. Does this mean they have accepted the administrative costs and that they are all free to go? That is what they don't know.

Mayor Benton said they have six months to pay.

Mr. Martin asked if they want to pay it now, can they do that?

Mayor Benton said they sure can.

Mr. Martin asked how do they do that?

Mayor Benton said not now. They would have to come up tomorrow. If he has a check, staff will probably take it. They don't usually have people so willing to pay off their bills so quickly.

Mr. Martin said he wants it to go away.

Mayor Benton asked does Ms. Schenck want to pay her bill too?

**Ms. Gladys Schenck** said she can pay it tomorrow.

Mayor Benton said he is sure that would be fine.

Ms. Schenck said this is for 1501 North 29th Street. What did they do?

City Clerk Steele said the Commission will waive the \$45,300 upon payment of administrative costs of \$404.68 within six months.

Ms. Schenck said thank you.

**Ms. Beverly Prince** said she is here for 1022 Avenue H.

City Clerk Steele said the Commission will rescind the code enforcement lien of \$62,600 upon payment of administrative cost of \$472.44 within six months.

Ms. Prince asked can they reduce the administrative cost?

Mayor Benton said no, they can't do that.

City Clerk Steele said the motion has already been made.

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City Clerk Steele introduced the following resolution by title only:

RESOLUTION NO. 04-40

"A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REQUESTING LEGISLATIVE ADOPTION OF SPECIAL ACT RELATING TO **ANNEXATION OF CERTAIN SPECIFIED UNINCORPORATED LANDS**; PROVIDING FOR AN EFFECTIVE DATE."

Mayor Benton asked haven't they gone through this earlier tonight?

Commissioner Coke asked would Ms. Satterlee be insulted if they just moved adoption?

City Manager Beach said yes, they have discussed this; and if they are all comfortable with the information they have and are ready to take action on it, they can skip the discussion if they are okay with it.

Motion was made by Commissioner Coke, seconded by Commissioner Alexander, that Resolution No. 04-40 be adopted.

Commissioner Alexander said he heard Commissioner Becht say that they want to aggressively annex properties into this City of Fort Pierce. He spoke of a concern he had about the City limits being on Avenue D just one block west of Zora Neale Hurston. Again, when he sits here and they say they speak about annexing all south, the southern portion of the City, he is just not in agreement with it, not the way it has been done. He still insists they do something with the City limits that extend because they have a company just west of Mr. Brooks project there, the subdivision. It is totally ridiculous because people have to come in and out of this City on Avenue D; and for it to look like it does on Angle Road and Avenue D, those recycling places need to come under some kind of control, and he sees the County is not doing it. And he requests that maybe the City can do some of that northern portion. He has heard Mr. Beach say in the next 50 years. He won't be here. He wants to see these things done before he leaves this earth. He wants the playing ground to be fair. He wants the citizens of this community regardless whether they are in the City. But he is asking Mr. Beach this question now.

City Manager Beach said yes, he is trying to try get a map here. Commissioner Alexander said they talk about boxing these things in

and they go just a block west of Zora Neale Hurston, he thinks is totally ridiculous for them to continue to do anything anywhere besides where it is needed.

City Manager Beach said the Commission needs to set this direction.

Commissioner Alexander asked did he not before speak about this?

City Manager Beach said the Commission, the Commission as a whole. One Commissioner can wish until the end of time, but they have to have three people.

Commissioner Alexander said they are not going to get off on this tonight. He is not going to allow him. He brought it up to this Commission before and they spoke about it and they discussed it.

City Manager Beach said yes.

Commissioner Alexander said all right. He is through with the conversation. Mr. Beach doesn't have to explain anything.

City Manager Beach said he would like to explain it to the rest of the Commission, if Commissioner Alexander doesn't mind.

Commissioner Alexander said he does mind.

City Manager Beach said what they discussed was going south with their annexations, getting down to Midway Road. This has been discussed and directed by the City Commission. What they have also talked about is how they square off all the boundaries of the City, all of the unincorporated areas - which includes the area north, it includes the area west, and it includes all of this. If they are successful with this approach to the State Legislature in getting them to agree to that, then which ever direction three City Commissioners say is their next bulk annexation, it will be the next area that is presented to the Florida Legislature.

Commissioner Alexander said they had three Commissioners request this southernmost point.

City Manager Beach said he thought five Commissioners requested it, that is what he thought, at their workshop.

Mayor Benton said there is a reason for that, because these people in the southern part, it is undeveloped property. It is mostly going to be industrial properties and they are looking to develop. The property in particular Commissioner Alexander is talking about has been developed and he is sure they already have City water. He would like to get them in the City limits too; because yes, they need to be cleaned up and it would be nice to be able to tax them. That is a block out of the City.

City Manager Beach said it has always been the philosophy of the Commissions prior to this Commission to annex all of this urban developed land adjacent to Fort Pierce. That includes west, it includes north, and it includes south. The reason the focus is on the south now is there is a tremendous industrial tax base to the south and it is developing faster than all of the rest of the area; and from a financial perspective, this serves them as a community much better. But that doesn't stop them from going a different direction, if this Commission directs.

Mayor Benton said they have a way to do that. He has tried for years to convince the Utilities Authority to make investments in those areas, especially going out Orange Avenue and to the north. All they would have to do is put the lines in the ground; and as people and as construction and development came, they would tie in and pay then. It would promote development in those areas.

Commissioner Alexander said he is in agreement with it. But they wonder why individuals from the County are hopping on the Commission's backs about these vacant spaces. They jumped on the City when they went at the airport because they wanted to snake around the poor sections of this community. Now they have Sheraton Plaza and Paradise Park and all that area already occupied. They are paying taxes. If they are not paying taxes, they don't own the properties. But again, like he says, it is just the Christmas spirit in him that he just shuts his mouth.

Mayor Benton said he agrees and they have talked about Sheraton Plaza. The problem was, they couldn't convince the County Commission to join them in allowing them to be part of the City, because there would be an additional tax to those people.

Commissioner Alexander said they discussed that before about those additional taxes; and he asked Mr. Beach and he said not very much.

Mayor Benton said it wouldn't be. But if he was one of those people... It is like when they were talking about utilities rates, if they pay a few dollars more for electric...

Commissioner Alexander asked can they ask?

Mayor Benton said they can ask, but the County...

Commissioner Alexander said he won't prolong it.

Commissioner Nelson asked did they coordinate or is coordination required with the County in reference to this bill? Do they have support of the County on this issue?

City Manager Beach said he doesn't know the answer to that. They have meetings scheduled with all of the County Commissioners between now and January 6th. This Act will be presented to the local Legislative Delegation on January 6th. Senator Pruitt has told them consistently that this will not move forward if there is a battle with St. Lucie County over it. They all understand that. It is really up to St. Lucie County as to whether or not they choose to object to this. As Commissioner Becht said earlier this evening, what they are trying to achieve here is exactly a solution to the problem that the County keeps pointing out as to why the City shouldn't annex. They are trying to correct those problems with this special act of annexation. So how the County is going to react to that remains to be seen.

Commissioner Nelson said remember, earlier tonight Duke Nelson told the rest of the Commissioners about the Becker Holding, the one they just annexed. How the County guys are going to react will be interesting to watch. They want the County's support and their cooperation; but then said the 31st of January they are going to annex that area out there.

City Manager Beach said what they need is for the County not to object.

Commissioner Nelson said he hears them. He just asked a question.

Mayor Benton said they have to test the waters somewhere. He thinks this is where they are testing it.

Those voting in favor of the adoption of Resolution No. 04-40 were: Commissioners Becht, Coke, Nelson, and Benton. Those opposed: Commissioner Alexander.

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The next item on the Agenda was Commissioner Alexander discussion regarding Joe Murray of the Planning Department, winner of the 2005 National Community Development Association Poster Competition.

Commissioner Alexander said he just wanted to bring this to the Commission's attention. This young man here he thinks is doing wonderful things for the City of Fort Pierce in his job capacity. As he was just reading it, the only thing that caught his mind about this is that he has national recognition for this little bitty City of Fort Pierce and he has to raise funds to go and receive his honor. He just thought that was just... It got his goat. He just thought maybe he would question this and see why is it that this young man with national recognition, that his status with the City doesn't see it deemed fit that this is...

Mayor Benton asked he has to pay out of his own pocket too?

Commissioner Alexander said he has to pay out of his own pocket. They are raising funds.

Mr. Ramon Trias, Director of Development, said he approved the paperwork today for the City to pay for his trip, if that is legally possible, which he believes it is. That is their intent, so he thinks that will be appropriate at this point.

Mayor Benton said he would agree, because he knows the policeman who received an award recently, he hopes the City paid his way to go out west.

Mr. Trias said it costs about \$1,000 roughly.

Commissioner Alexander asked he doesn't know if the young man will give them the honor of placing this in their City Hall, but he thought that maybe that would be a nice gesture too to showcase our own. He knows he did the same for a Zora Neale Hurston poster, and he thought that was a beautiful and fitting thing too. He just thought maybe it was a good gesture by the City.

Mayor Benton said he thinks it is and he is glad they covered that cost.

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Commissioner Nelson said the Mayor mentioned the case about the police officer going out to California. He thought it was a good thing. It was job-related what he did. And of course, he will be asking the question here of the City Manager and perhaps the City Attorney, can they construe this to be job-related and an allowable expenditure from their perspective?

City Manager Beach said the Staff was instructed this morning to evaluate as to whether or not this was an appropriate use of municipal resources. And he believes that Mr. Trias just indicated that they have made that determination. Is that correct?

Mr. Trias said yes.

City Manager Beach said they have authorized that travel expenditure.

Mr. Trias said the City Manager needs to approve it as the final signature, so that is the status of that request. By the way, that request had not been made before. That is the reason why Mr. Murray had started raising money, he had not thought about making that request at the time.

Commissioner Nelson said there are certain constraints they put on this CDBG area that they don't put otherwise. Are they contemplating using the CDBG funds?

Mr. Trias said no. They are planning to use general fund money from the Department of Development budget.

Commissioner Nelson asked he has these monies in his budget, right?

Mr. Trias said there is a budget for travel, yes.

Mayor Benton said he is glad they did that.

Commissioner Nelson said they need to move on it.

Assistant City Attorney Schwerer said no action is needed. This is taken care of by the department.

Commissioner Alexander said he just heard him say if it was legally okay.

Assistant City Attorney Schwerer said the Department Head approved it and the City Manager will sign off on it. No action is necessary by the Commission.

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The next item on the Agenda was Commissioner Nelson request for Passenger Van to transport officials and key visitors.

Commissioner Nelson said he had the honor on December 15th to act as host on part of the City and the Metropolitan Planning Organization to have in their midst the Secretary of the Florida Department of Transportation, Jose Abreu, in their midst in conjunction with the Dan McCarty memorial re-dedication, which in his opinion was a great success and he appreciates the effort on the part of all concerned. However, this brought to light to him the fact that this man of this stature was in this City for an entire day and he came here in a little Taurus type car, four each in there, and they toured the City and stayed and spent a whole afternoon at the MPO meeting. It is unusual to have a man of his caliber sit that long in a setting like the MPO. And had he been up on his protocol and everything, he would have suggested that they provide transportation to move them back to Orlando or Fort Lauderdale where he came from rather than endure the hardship of staying there, but he thinks he enjoyed it, but it wasn't the best experience, he is sure. While he was here, he was able to walk down to their Marina area, go to tour the Taylor Creek Bridge, and look at the Indian River Drive washout of the road in that area. They did have services of the Community Transit bus. They had the press on board. And he just thought it was important that they have a mode of transporting dignitaries and key officials of this type in their City; and if necessary, if they are in a dire

straits, to help them get back to their point of origin if necessary. Therefore, he suggests that they come up with some type of transportation media, a little bus that can be used to move their Commissioners around in groups as they move around the City, move the press along with them to make sure everybody is squared away, and provide a positive image of the City. They had another group here, the Scenic Tour Group that came out of Tennessee. They toured this City and none of them knew they were here. Perhaps some staff members knew, but they didn't take full advantage of them. It is his opinion that in the event they have these type people here that they should maximize the opportunity to be face to face with them because there are a lot of side conversations that go on where they can get great dividends if they can do it on one on one in the informal type setting. So he thought that might be a good idea. He recalls that some time ago when they bought SUV's that they would have these special vehicles because the engineers would be coming to town they need some place to transport them around. The City vehicles sit in the parking lot. He didn't have any resource he could call upon to say, escort these people in that vehicle over here. So that is the basis for this and he would be amenable to staff input or recommendation how they could solve this thing. He thinks it would pay great dividends if they had access of this type of transportation in the future.

Commissioner Coke said two things. First of all, once again Commissioner Alexander and she are going to say "trolley". They have been saying this for three years and they all keep ignoring them. Do they not think it would be more feasible, if they needed a car once every three years to bring somebody around, that they make some arrangements through the City Manager's office to rent one for a day, rather than purchase a vehicle and pay for insurance and all those other things?

Commissioner Nelson said no problem.

Commissioner Coke said at least until Commissioner Alexander and she get their trolley.

Mayor Benton said maybe that trolley should be on the CRA agenda one of these days.

Commissioner Nelson said he would be happy if they make it a matter of policy, when they have these dignitaries come to town, that they provide a medium by which they can transport a group - the press, staff members, the dignitaries, and their entourage - at the same time and interface with them in such a fashion that they can get productive work done. They would pay them dividends. If they can direct staff or get a consensus or motion to that effect, he is prepared to make that.

Commissioner Alexander asked a trolley?

Commissioner Nelson said they don't have any trolley yet. He is talking about, they are going to have the President come in one of these days.

Commissioner Alexander said Mr. Beach can call on him anytime. He has limousines available at no cost to the City of Fort Pierce. Commissioner Nelson said no. They don't transport those type people around in those big fancy cars. They aren't going to a funeral. They are trying to get business done.

Commissioner Alexander said those are not funeral cars. The first time he catches him stepping in one of them, he is going to have to close the door.

Commissioner Nelson asked does he need to make a motion to have some consensus?

Commissioner Coke said when he needs a car for that purpose, he should bring it in front of the Commission 30 days in advance, and the Commission will authorize the City Manager.

Commissioner Nelson said that is impractical. They don't know when it is going to happen most of the time.

Mayor Benton said when somebody comes to town, through Mr. Beach's office they can contact a dealership and have a vehicle. Some of these will probably donate a vehicle for the day.

Commissioner Alexander said if it is less than \$10,000, Mr. Beach can approve it.

Mayor Benton said that is right.

Commissioner Nelson asked so the consensus is, that in the event they have these types of things, they concur in the future that they authorize the City Manager to direct a vehicle to accommodate people?

Mayor Benton said if it is a problem, come back in front of the Commission and they will straighten it out.

Commissioner Nelson said he is happy.

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The next item on the Agenda was Submittal of Applications for Appointment to the **City Tree Board**.

City Clerk Steele said they have an application in front of them from a current member. There have been no other applications submitted. The resolution for appointment will be on the next agenda.

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The next item on the Agenda was Director of Development to advise of his approval of a **Minor Replat** for property located on the southwest corner of Florida Avenue and 24th Street (Smith).

Mr. Ramon Trias, Director of Development, said staff has reviewed the application for compliance with City codes and he has approved it.

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the next item on the Agenda was Director of Development to advise of his approval of a **Minor Replat** for property located at 6651 Darter Court (Days Inn), owned by Fort Pierce Hotel Associates, LLC.

Mr. Ramon Trias, Director of Development, said staff has reviewed the application for compliance with the City codes and he has approved it.

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**Mr. Rick Reed** said he is here on behalf of the Concerned Citizens group. Maxine Green was not able to be here tonight. There was a situation with the **Fort Pierce Utilities Authority** at a meeting and the Concerned Citizens requested and there was an article in the paper - he is sure most of them read about it recently - where the Concerned Citizens requested it be placed on the Agenda tonight for discussion with regards to the incident that they wanted to bring before the City Commission's attention. Mr. Beach said that he had to purview their response before it could be brought before the Commission. The situation was, after the Fort Pierce Utilities Authority meeting, which of course was quite heated because of the language that was used. After he left the meeting and the meeting was concluded, the Acting Chairman that night, Mr. Summerhays, came up to him in the hall and he put his hand on him. He walked by, and in a fit of anger he turned around. The Channel 25 and Channel 12 was at the time interviewing Mac Hamilton and the cameras were rolling. He turned around, saw him, came back, approached him, pushed him in his chest and told him that if he ever talked to him like that again - and he stood at this podium and addressed the Fort Pierce Utilities Authority, which Mayor Benton was there, so he knows exactly what he said - that he would lay him down. It is bad enough with the problems they have with the Utilities Authority that they have used the language they have. But under no circumstances do they have any right coming out and placing their hands on citizens. He has five people who will provide affidavits, they were there. He believes Commissioner Alexander was furnished the tape from the Channel 25 which showed a good bit of it. The question was asked of him, why didn't he press charges? His feelings were, he knows what Mr. Summerhays is about and he is not going to get into that. But his problem as a member of the Concerned Citizens and as a customer of the Fort Pierce Utilities Authority and then lastly as the person that he assaulted, he is not fit to serve on a Board if he is so angered by what citizens say that upon leaving he goes out in the lobby and strikes somebody. Now he didn't hurt him, he didn't kill him, he didn't knock him down, although he did threaten to lay him out. He is just curious. He knows that this Utilities Authority problem has been an extremely emotional issue for all of them. But words are one thing, physical assault is something else. If it hadn't been him, it would have been somebody else. He guesses he was vocal enough to provoke. But each of the Commissioners, he is sure they have people come before them and he may be one of them, that probably they all would like to hit him. But in their society, they don't work like that. This man, the previous Commission appointed this man to serve the public. They can't have people going around putting their hands on people. If he doesn't agree with him, he could have effectively made that clear and he did, but he didn't have to lay his hands on him and threaten to lay him out. The Charter which he got from Ms. Steele right after Commissioner Nelson encouraged all of them to go read the Charter, it says any member may be removed from office by the City Commission for malfeasance, misfeasance, or nonfeasance of office. Putting their hand on somebody he thinks falls in that category. They can choose A, B, or C. But he is just curious to see. And they decided tonight not to fill the house and make a public spectacle. They wanted to see what this Commission would do. And they will bring the people forward with sworn affidavits or bring them forth. He wants to see and the Concerned Citizens want to see what this Commission will do with regards to a public official exercising this type of behavior.

Mayor Benton said he thinks Mr. Reed has explained. He didn't see what happened. He was in here...

Mr. Reed said he knows he was.

Mayor Benton said he is not going to say that it didn't happen. He is not going to say to what extent. He doesn't agree with anybody putting their hands on anybody or calling names. To him, they can't do those things. But he can't bear judgment on it, because he didn't see the action. He doesn't know if anybody here wants to comment on what happened.

Commissioner Alexander asked could he just make a small comment? He thinks this is one of the items their City Manager should take charge of and come back to them with something on it. He just knows it is a sad occasion that things happen as such, but then they have witnesses to those things. He just thinks it would be a good PR for Mr. Beach to take charge on this.

Commissioner Nelson said he is not sure he is in line with Commissioner Alexander having City Manager take charge of it unless they give some direction. They got a citizen who has in fact presented a case here to the Commission here and it might be of significance if it is true. And the Commission's role he thinks in this case would be, if it were to go to the City Manager, is to ask for an investigation which is in their power. Of course, Mr. Reed as an individual citizen has the right, in his opinion, to go to the State Attorney or his own individual attorney and get things done on his behalf. He would at this juncture defer before he would make a recommendation of either case to the City Attorney or to the City Manager or to any of them with respect to what their course of action should be. In the area of nonfeasance, malfeasance, or felony in their Charter, it clearly gives the Commission the levy needed to address this. Or if they want to, they can hopefully have them all get together and kiss and make up and forget all about this thing and then everybody would be happy. That is the way he likes to see things resolved. But he is not sure that would happen in this case. Does Mr. Schwerer have a thought or Mr. Beach have a thought on this issue?

City Manager Beach said if the Commission turns it over to his office to research, he will probably look at it from the perspective of an accusation of assault and have the Police Department interview those individuals who witnessed this and determine whether or not an assault did or did not occur, and based on their review of it and at that point probably consult with the City Attorney's office about what would be the appropriate course of action. He is not sure how this involves the City Commission beyond the issue relating to a person's appointment on a Board that may do something that would create this level of concern. Does that make sense?

Commissioner Nelson said yes.

Mayor Benton said he thinks so. He thinks maybe, he doesn't know, Mr. Reed is on public record with the accusation. He doesn't know if he wants to put something in writing or call the Police. But to him, this is something where they have to hear both sides of the story. And if the Police feel there is enough there that it would be an assault, then he thinks it would be something that this Commission might have to address.

Mr. Reed said he can speak for himself since, as they pointed out, and he came here as a member of the Concerned Citizens Committee. It is not his intention, so he wants everybody to understand, it was not his intention and the reason why he did not file charges, although he was asked to by numerous people who witnessed it including the cameraman, was that although he absolutely don't condone Mr. Summerhays action and he doesn't think he is fit for the position to serve them as citizens, he did not want to take the action to bring forth a criminal complaint. Because he was the victim. Mr. Summerhays struck him. And he doesn't want to destroy the man. All he is saying to the Commission is, look into the facts, do their due diligence, and they will find out what he is saying is true and forthright. He doesn't think the man should be able to serve and sit on a Board in that capacity. He is not looking to send him to Starke.

Mayor Benton said he doesn't think that would.

Mr. Reed said well no, and he doubts very seriously knowing how things work in this community, unfortunately he will probably get a hand slap anyway. So he didn't want to waste his time. But he did want this, all he is saying is, he is telling this Commission what happened. The evidence will support it unconditionally. And if they all choose to allow this type of person to remain on the Board, then it speaks for the Commission.

Mayor Benton said as he knows, they have a process to hear both sides of the story and that is what they have asked the City Manager to look into. By no means are they sweeping it under the carpet.

Mr. Reed said he understands that, and he respects him and he appreciates that. But they have got to remember what they had to do just to even get on the Agenda. They have to come and wait the last five minutes.

Mayor Benton said he didn't recall anything in writing explaining what he said to him tonight.

Assistant City Attorney Schwerer said he hates to say this, but this is precisely why it is required that if they want to speak on the Agenda to present it so staff can review it. He is not prepared to render legal advice to this Commission on what they can or cannot do. This is the first time he is hearing this. There are a lot of legal ramifications here. This Commission's jurisdiction is somewhat limited, although they do have a Charter. But what Mr. Reed is talking about is more in the nature of a criminal issue. It is not involving this Commission. In the absence of a formal complaint from Mr. Reed to law enforcement or a civil complaint filed in the civil court. And he is not suggesting or asking him to do that or in any way encouraging him. He is simply saying, in the absence of that happening, this Commission is powerless to go on what he is going to describe as - and he is not being critical - a witch hunt to research issues about what may or may not happen or did happen. They need a formal complaint. If he does that, it will go through a totally different channel. What he is explaining is not malfeasance or misfeasance that this Commission has jurisdiction to investigate. If one of them are charged with a crime and they are convicted, that is malfeasance in office and there is a process. It is the same thing with a Board Member of the Utilities Authority. If there is a criminal act or an immoral act or an act that rises to the level of

a petition to remove, that is one thing. But before they start, they need a complaint to be filed. Again, he is not encouraging that. That needs to go through the proper channels. He is hearing it now for the first time. It is a law enforcement issue. It is a civil issue. It is either an assault from a civil standpoint where they can seek money damages, or it is a crime from the standpoint that if it rises to the level of an assault, that is a State Attorney function and a police function. It is not a function for this Commission at this point.

Mayor Benton said at this point, right. And they are not trying to sweep it under the carpet. But by no means did they know what Mr. Reed was going to bring to them tonight. At least he never saw anything in writing. To him, they have explained the steps. If he would like to see the City Manager to look into that, they have asked him to. If he would like to put something in writing he guesses explaining his side of what happened, they can get to the bottom of it. But right now there is no action this Commission can take until they see both sides of what happened.

Mr. Reed asked what would Mr. Beach have him do? What is his recommendation? He would like to proceed forward. So he is asking him as the City Manager, what should he do?

City Manager Beach said why doesn't he get in touch with him tomorrow and they will talk about that.

Mr. Reed asked what time?

City Manager Beach said just call his office anytime tomorrow.

Mr. Reed said thank you.

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Commissioner Nelson said he alluded to the fact that the County was considering again **waiving permit fees**. Would that staff be alerted to this and check out the fact that they are going to again start waiving permit fees like they did at the first part of the storm.

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Commissioner Nelson said they talked about the input from the **Fire District** being exempt from the CRA. Did they cover the costs associated with this exemption? If so, how much is it and what should they do about it? They talked about the rating of their Moody's and all of some \$5,000 to be defrayed by somebody. And he thinks if they are talking about having them save some \$480,000 or \$500,000, that they should pay for this thing in terms of getting exempt.

City Manager Beach said that is something that he may want to bring up to the Commission at the time this is presented to them. Staff will be presenting something more formal to the Commission as they get the information from Ambach and from Moody's. And at that point in time, when they get ready to actually act on the agreement, that discussion would be appropriate.

Commissioner Nelson said okay. That is good.

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Commissioner Nelson said in the area of this request by him at the last Commission meeting on the **utilities for subdivisions** being underground. His research tells him he was right, that they do not have an ordinance that says subdivisions have to have utilities underground. Who are the people to respond to that?

City Manager Beach said he is not understanding his question.

Commissioner Nelson said at the last Commission meeting the City Engineer and the Director of Planning indicated, one of them or both of them, said something to the effect that the City has ordinances or codes that says utilities for subdivisions are underground.

City Manager Beach said actually it is the guy who is not here tonight (Hector Arias). What Mr. Arias said was, they require utilities underground on City rights-of-ways and City streets in new subdivisions. What is not covered is, if it is a gated community where they own all of their own streets and rights-of-ways, that is not currently covered by the City code; and Mr. Arias has asked his staff to prepare the necessary ordinances to present to the Commission that would cover that issue as well.

Commissioner Nelson asked did he say gated communities?

City Manager Beach said communities who do not dedicate their rights-of-ways to the City.

Assistant City Attorney Schwerer said privately-owned roads.

Commissioner Nelson said okay. They are going to come forth with that in the near future?

City Manager Beach said yes, that is correct.

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Commissioner Alexander said he just has one concern. He really doesn't want people to beat up on the **Concerned Citizens** of this community, because he thinks any time a citizen speaks, they should listen. He does know there is a group out there that are named Concerned Citizens because he put that group together when he first became a Commissioner only to keep his ear to the ground, not to cause confusion. But when he hears concerns of the citizens beforehand, before they even come before the Commission, when they see his name listed on there, he doesn't want them to think he is just trying to make gripes. But surely any time they tell a citizen to shut up, they exclude him because he is going to listen to what they say; and anytime they have a public forum here and citizens observe things and they want to know why it is done and things are done that way and why things are said to them, and the Commission doesn't have an answer for them, again he thinks they are going down the wrong road. Because it is going to escalate on them. They need to respond to the individuals. Again, he doesn't want people to think when the Concerned Citizen group comes here that they are just bickering about everything. There is anybody who goes and buys a brand new car, they get their car painted, he guarantees the little small nicks and knacks, each and every one of them would be the main one to say something. So give the people the benefit of the doubt and answer some of their questions.

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Commissioner Becht said he has not seen a contract the Commission has approved to start construction on the **downtown parking garage**.

Mr. Ramon Trias, Director of Development, said they talked about this at the CRA meeting briefly, although they didn't go into great detail. Their intent is to propose that Catalfumo builds that parking garage in addition to building the project the Commissioners reviewed previously; and if they approve that, he thinks that would be the most efficient way to do this. That will

be coming up as soon as they have the ability to do that. He is just telling him what Staff's proposal is going to be.

Commissioner Becht asked where are they with the design of that, is it done?

Mr. Trias said it is going through the process. Commissioner Becht can ask about this every week and the answer will be yes, they are working on it, and whenever it is done, the Commissioners will have it before them.

City Manager Beach said the Corradino group is who they have hired to design that garage; and what they are preparing now are the construction specifications and documents, that once those are complete... If they will recall, when they were given that assignment they said it would take them six months to get the construction documents and the plans in shape so the City could go out for bids to actually get the parking garage under construction. He would have to look back at the contract date to tell them when that six months started, but they had a six month time frame for the actual preparation of the plans and specifications.

Commissioner Becht said he remembers that quite clearly actually and he remembers they said they wanted six months on the contract but they knew they could get it done in a far shorter amount of time. So at the next meeting could Staff inform him of when the six months is up and whether they are going to meet that target date?

City Manager Beach said they can do that. They will do that before the next meeting. They will get that information.

City Clerk Steele said correct her if she is wrong, but isn't the site plan coming in front of the Commission at the next meeting?

Mr. Trias said yes, it is. That is really not a relevant issue. They are following their own processes with their own projects, it is just a matter of policy. But that has no bearings on the time frame. But it is coming up before the Commission, the site plan. The reason is simply that the City is following their own processes with their own projects.

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Mayor Benton said they just re-dedicated the **Dan McCarty** Highway here, but his house probably is one of the worst looking homes in this community. It has looked like that since long before the hurricanes. And he doesn't know why they can't do something about it. He has complained about it. It is time. And he hopes this whole Commission feels the way he does. If they can't go out tomorrow and get something done, they need to condemn that home and get the City to buy it or something. That is a historical house. It needs to be fixed up right. Almost every window is broken in it. It is a shame the shape it is in. Does anyone here agree?

City Manager Beach said he is assuming what they will do is actually initiate condemnation on the building; and then it will be up to the owners to start that prepare process, if that hasn't already happened.

Mayor Benton said he doesn't see it looking any better.

Commissioner Nelson said he is going to form a diplomatic accord with those Commissioners. If they weren't there the other day to

see how these kids revered over the fact that their granddaddy, uncle, husband, and all were revered, they missed something. Wouldn't it be more appropriate to go and talk to those people and see what their plans are and sort of encourage them to make this a historical thing and then find out what they can do together?

Mayor Benton said all he knows is the person who owns it doesn't have any plans. He has owned it long enough and nothing has been done. It has been in this shape. It is not one of the McCarty's, it is someone else. It is an attorney here in town that owns that building.

Commissioner Nelson asked the McCarty's don't own that house any more?

Mayor Benton said no. If it was the McCarty's house, it wouldn't look like that. An attorney bought that house some time ago. But it is a historical home to the community and Dan McCarty was a big man in this community and it is time they showed it. And if this person or people who own it can't fix it up, then the City needs to somehow find a way to acquire it. Somehow they have to get it looking better.

Commissioner Nelson asked they are going to put their historical people on it and see what they can do, the Historical Preservation?

Mr. Ramon Trias, Director of Development, said one of the steps they can take is to designate that building as a historic property and that allows for certain enforcing ability they have to make people... There is a clause that says "demolition by neglect", which means they are not allowed to let a building get to the point it is right now. There are some ways to deal with this.

Mayor Benton said it is right in the middle of their downtown where they are putting millions and millions of dollars and it needs to be fixed.

City Manager Beach said he believes the most efficient, effective, and timely way to approach this would be the condemnation of the building. And that condemnation would be much the same way they condemn the St. Anastasia building; and at the same time they are condemning it, they are telling them they can't tear it down, they have to repair it because it is a historical structure and so on.

Mayor Benton said it is just a pitiful shame that house is in the middle of their downtown.

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There being no further business, Mayor Benton declared the meeting adjourned at 10:20 p.m.

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Adjournment.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER